

Exhibit E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHABTAI SCOTT SHATSKY, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.
) 1:02-CV-02280 (RJL)
THE SYRIAN ARAB REPUBLIC, et al.,)
)
Defendants.)
_____)

VIDEOCONFERENCE DEPOSITION OF

ABDEL RAHIM MALOUH

PETACH TIKVA, ISRAEL

SEPTEMBER 5, 2012

REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243

SEPTEMBER 5, 2012 - ABDEL RAHIM MALOUH

1 Videoconference deposition of ABDEL RAHIM
2 MALOUH, taken in the above-entitled cause pending in
3 the United States District Court for the District of
4 Columbia, pursuant to notice, before BRENDA MATZOV,
5 CA CSR 9243, at Veidan Conferencing Solutions, 35 Efal
6 Street, Adgar Tower, 12th Floor, Petach Tikva, Israel,
7 and simultaneously in Ramallah, Israel, on Wednesday,
8 the 5th day of September, 2012, at 10:01 a.m.

9
10 APPEARANCES:

11 FOR PLAINTIFFS:

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18 MILLER & CHEVALIER CHARTERED
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3 (in Petach Tikva)

4 SHIMON BEN-NAIM, Official Arabic Interpreter

5 ALBERT AGHAZARIAN, Official Arabic Interpreter

6 MORDECHAI HALLER, Advocate

7 NITSANA DARSHAN-LEITNER, Advocate (partial)

8 AVI LEITNER, Advocate

9 NOA MERIDOR (partial)

10 ARIEH SPITZEN

11
12 (in Ramallah)

13 GEORGE HAZOU, Check Arabic Interpreter

14 MAHMOUD HASSAN, Advocate

15 OSAMA SAADI, Advocate

I N D E X

WITNESS

Abdel Rahim Malouh

EXAMINATION

PAGE

By Mr. Schoen

10

E X H I B I T S

LETTER

DESCRIPTION

MARKED

Exhibit A

Arabic Document
(No Bates Number)

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Exhibit B

Arabic Document
(No Bates Number)

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Exhibit C

Arabic Document
(No Bates Number)

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Exhibit D

Arabic Al-Hadaf Article,
Dated June 30, 2000
(No Bates Number)

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Exhibit E

Arabic Al-Hadaf Article,
Dated August 31, 2000
(No Bates Number)

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Exhibit F

Arabic Al-Hadaf Website
Article
(No Bates Number)

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Exhibit G

Hebrew Document, Dated
August 22, 2002
(No Bates Number)

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I N D E X (Continued)

Q U E S T I O N S I N S T R U C T E D
N O T T O A N S W E R

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P R O C E E D I N G S

MR. SCHOEN: On the record.

First, I'm going to make my apology.

Mr. Malouh, can you hear me still now?

THE WITNESS: (In English.) Yes.

MR. ROCHON: We hear you. But it -- it would be helpful if there was only one person speaking at a time so that we can hear clearly.

MR. SCHOEN: I'm sorry. I'm sure we'll work all of the kinks out soon in the process.

MR. McALEER: If I may, this is Chas McAleer, counsel for defendants for the record.

Just for clarification, for the folks who are in Ramallah, I believe that Shimon, who is one of the translators here, was trying to do as he has done at other depositions very well, simultaneous translation.

That may normally be workable when the witness and the examiner are in the room. But I think, in this circumstance, where we are in remote locations between the witness and the examiner, it will be better if we do sequential translations or we -- or -- Shimon corrects me. It is -- the proper term is "consecutive translations."

10:03:18 1 So are we agreed in doing consecutive
10:03:20 2 translations?

10:03:21 3 MR. SCHOEN: I'm fine with whatever works
10:03:23 4 best. Let's try it.

10:03:25 5 MR. McALEER: Translators Shimon Ben-Naim
10:03:29 6 and Albert Aghazarian, are you in agreement that that
10:03:32 7 is the most effective way to handle the translations,
10:03:35 8 given the remote locations?

10:03:39 9 OFFICIAL INTERPRETER BEN-NAIM: We do.

10:03:40 10 OFFICIAL INTERPRETER AGHAZARIAN: We do.

10:03:42 11 MR. SCHOEN: Now, before -- before we make
10:03:45 12 a statement as to who's present, I wanted to simply
10:03:52 13 apologize.

10:03:58 14 Mr. Malouh, especially, I did not mean to
10:04:02 15 keep you waiting. I was stuck in traffic, and I got
10:04:06 16 lost. I've never been here before. Okay.

10:04:20 17 You want to swear the witness first?

18

19

ALBERT AGHAZARIAN

20

-and-

21

SHIMON BEN-NAIM,

22

the Official Arabic Interpreters, were

23

duly affirmed to translate from English

24

to Arabic and from Arabic to English.

25

1 ABDEL RAHIM MALOUH,
2 called as a witness, being first duly
3 affirmed, was examined and testified
4 as hereinafter set forth.

5
6 (The following proceedings were conducted
7 through the official Arabic interpreters, unless
8 otherwise indicated.)

9

10:05:19 10 MR. SCHOEN: Okay. Thank you, Mr. Malouh.
10:05:21 11 Present today, we have here in Petach Tikva
10:05:25 12 in a conference center counsel for the defendants,
10:05:29 13 Mr. McAcleer. I represent the plaintiffs in this case.
10:05:36 14 And with me is Mordechai Haller, Avi and Nitsana --

10:05:48 15 MR. HALLER: Leitner.

10:05:49 16 MS. DARSHAN-LEITNER: Leitner.

10:05:51 17 MR. SCHOEN: -- Leitner. I just wanted
10:05:52 18 to make sure both "Leitner."

10:05:54 19 And we have also two translators -- Shimon
10:05:57 20 and Albert have been introduced already -- and Arie
10:06:04 21 Spitzen and Noa Meridor in this room, along with the
10:06:08 22 court reporter.

10:06:08 23 If you would, please, just put on the record
10:06:11 24 who's in that room in Ramallah.

10:06:13 25 MR. McALEER: Mr. Schoen --

10:06:15 1 MR. ROCHON: Thank you.

10:06:16 2 MR. McALEER: Mark -- Mark, if I may interrupt
10:06:17 3 for a second.

10:06:18 4 Mr. Schoen, would you please clarify who
10:06:21 5 the two other people whom you just mentioned are and
10:06:26 6 in what capacity they're here at the deposition?

10:06:30 7 MR. SCHOEN: Yes. Arie Spitz and Noa
10:06:30 8 Meridor, consulting experts in the case. They're here
10:06:35 9 just to observe.

10:06:39 10 MR. ROCHON: Okay. Here in Ramallah, you have
10:06:42 11 Mark Rochon speaking. Obviously, I'm here. The witness
10:06:44 12 is here. His counsel, Mahmoud Hassan, is here. With
10:06:50 13 me also is Osama Saadi. And I represent the PLO and
10:06:56 14 the PA in this matter.

10:06:57 15 And also present is our check translator,
10:06:59 16 George Hazou. The videographer is just outside the
10:07:04 17 room. In case any difficulties develop, we can get
10:07:07 18 him in here and have him take care of it. But he is
10:07:10 19 not in the deposition.

10:07:13 20 MR. SCHOEN: Yes. I should have said
10:07:13 21 that also. Same on our end, the videographer, as
10:07:17 22 I understand it, is outside the room. He's certainly
10:07:18 23 not in the room. Let's put it that way. All right.

10:07:21 24 //

25 //

EXAMINATION

BY MR. SCHOEN:

Q. All right. Mr. Malouh, do you speak or understand English?

A. (In English.) A little bit. Little bit.

OFFICIAL INTERPRETER BEN-NAIM: Aah. "A little bit."

Q. BY MR. SCHOEN: (Not translated.) Thank you.

A. (In English.) Welcome.

Q. (Not translated.) Please tell us your full name.

A. (In English.) My full name, Abdel Rahim Mahmoud Ali Abu Malouh.

Q. (Not translated.) How old are you? I'm sorry?

A. (In English.) I -- my -- I am in -- born in 1942 -- '45.

Q. (Not translated.) And where do you live, Mr. Malouh?

A. (In English.) I live here in Ramallah now.

MR. McALEER: For the record, if we could have Shimon Ben-Naim translate the question.

(Pending question translated.)

Q. BY MR. SCHOEN: (Not translated.) You understand so far what we have said; correct?

10:08:25 1 MR. SCHOEN: Go ahead, translate.

10:08:26 2 (Pending question translated.)

10:08:29 3 OFFICIAL INTERPRETER BEN-NAIM: There is

10:08:30 4 a delay.

10:08:36 5 (Comment in Arabic by Check Interpreter

10:08:36 6 Hazou.)

10:08:38 7 THE WITNESS: We spoke about my history.

10:08:42 8 Q. BY MR. SCHOEN: I'm sorry. We're just

10:08:44 9 trying to get the rhythm going here. So we'll just

10:08:47 10 translate -- everything I say will be translated, and

10:08:49 11 then you answer. And then everything you say will be

10:08:52 12 translated, and then I'll give my next question.

10:09:08 13 A. Until now, I hear the person who is in front

10:09:11 14 of me.

10:09:14 15 Q. Okay. Thank you. And that's me, David

10:09:16 16 Schoen.

10:09:17 17 I suppose you don't see on your screen the

10:09:20 18 translators. They're sitting to my right. I know

10:09:24 19 that's going to be confusing.

10:09:25 20 MR. SCHOEN: Go ahead.

10:09:58 21 (Brief exchange in Arabic between Official

10:09:58 22 Interpreter Ben-Naim and the witness.)

10:09:58 23 (Pending question translated.)

10:09:58 24 OFFICIAL INTERPRETER AGHAZARIAN: "Do you

10:09:58 25 hear the voice of the translator?"

10:09:58 1 "Now I do."

10:09:58 2 MR. SCHOEN: Okay. Thank you.

10:09:34 3 MR. McALEER: And let the record reflect

10:09:34 4 that the protocol at the moment is that Shimon Ben-Naim

10:09:34 5 is translating the English question into Arabic and

10:10:01 6 Mr. Aghazarian is translating the Arabic answer into

10:10:04 7 English, so that the record is clear about the protocol.

10:10:10 8 Q. BY MR. SCHOEN: Mr. Malouh, what is the

10:10:13 9 address where you live?

10:10:20 10 A. I live here in Ramallah, in the PA areas.

10:10:25 11 Q. Is there a street name?

10:10:33 12 A. The street of Jihad.

10:10:37 13 Q. And how long have you lived there?

10:10:54 14 A. After I have -- since four years since I was

10:10:59 15 released from the Israeli prison.

10:11:03 16 Q. Do you live in an apartment or a house?

10:11:07 17 A. I live in an apartment.

10:11:09 18 Q. Who pays the rent for that apartment?

10:11:27 19 A. The car and the apartment is covered by the

10:11:28 20 PLO.

10:11:31 21 Q. And you're employed by the PLO?

10:11:43 22 A. I am a member of the Executive Committee of

10:11:46 23 the PLO.

10:11:48 24 Q. And is it because you are a member of the

10:11:51 25 Executive Committee of the PLO that the PLO pays for

10:11:54 1 your apartment and your car?

10:12:14 2 A. The PLO covers the expenses of all members
10:12:17 3 of the Executive Committee, not only myself.

10:12:20 4 Q. I understand. But for you, that's the reason
10:12:22 5 they pay for your car and your house?

10:12:32 6 A. Yes. Being a member of the Executive
10:12:35 7 Committee, they pay me. That's the only reason.

10:12:39 8 Q. Okay. How much is the rent for your house?

10:12:50 9 A. The cost of my apartment rent is around
10:12:53 10 \$11,000 annually.

10:12:57 11 Q. And does the PLO pay that directly to the
10:12:59 12 owner of the apartment, if you know, or do they pay
10:13:03 13 you and you pay the owner of the apartment?

10:13:14 14 MR. ROCHON: This is Mark Rochon -- Mr. --
10:13:14 15 Mr. Schoen, I assume that this is the portion of the
10:13:20 16 examination, given your questions, that relates to the
10:13:23 17 status of the witness as a member of the PLO Executive
10:13:27 18 Committee and, when you move to the portion that deals
10:13:29 19 with him in any other capacity, you will so state,
10:13:31 20 consistent with Judge Leon's order?

10:13:34 21 MR. SCHOEN: Mr. Rochon -- Rochon -- sorry.

10:13:36 22 MR. McALEER: "Rochon."

10:13:37 23 MR. SCHOEN: -- Rochon -- I'm sorry.

10:13:39 24 Mr. Rochon, yes. In fact, I have the order
10:13:41 25 in front of me. And I think the order actually says

10:13:44 1 that I should begin with the questions in Mr. Malouh's
10:13:49 2 capacity as the PLO -- member of the PLO Executive
10:13:52 3 Committee and, after completing that, then go to the --
10:13:56 4 any other -- what it says specifically is:

10:14:00 5 "Regarding any relevant knowledge" --

10:14:02 6 MR. ROCHON: Well, Mr. Schoen -- Mr. Schoen,
10:14:04 7 it's going to be impossible for the translator to keep
10:14:07 8 up with you. You've got to break it up a little bit.

10:14:10 9 MR. SCHOEN: Okay. Well, I'm more used to
10:14:12 10 doing simultaneous translation. But we agreed, in this
10:14:13 11 case, to do this. But you're right. I spoke too long,
10:14:16 12 I suppose.

10:14:18 13 MR. ROCHON: Yes.

10:14:18 14 MR. SCHOEN: Go ahead.

10:14:18 15 MR. ROCHON: The witness needs to understand
10:14:20 16 this as well, maybe not all objections, but this part.
10:14:24 17 So if the translator could proceed.

10:14:26 18 MR. SCHOEN: All right. So let -- let me back
10:14:27 19 up. I'll back up, then.

10:14:29 20 MR. ROCHON: Okay.

10:14:30 21 MR. SCHOEN: In response -- in response
10:14:31 22 to Mr. Rochon's question, I am proceeding as the
10:14:39 23 judge ordered, asking questions first of Mr. Malouh
10:14:51 24 regarding -- regarding any relevant knowledge or
10:14:57 25 actions in his capacity as a member of the PLO

10:15:12 1 Executive Committee. And then I will ask him
10:15:20 2 questions about any relevant knowledge or actions
10:15:30 3 in any other relevant capacities.

10:15:40 4 I was reading from the order that's docket
10:15:43 5 entry 162. Okay.

10:15:59 6 MR. McALEER: David, just for clarity's sake,
10:16:02 7 the order says that, upon completion of the questioning
10:16:06 8 regarding the PLO Executive Committee capacity, you may
10:16:11 9 then move into other areas.

10:16:13 10 And further to Mark's request, if you could
10:16:17 11 just let us know when you have completed that first part
10:16:22 12 of your examination so that the record is clear when the
10:16:27 13 transition is occurring.

10:16:28 14 MR. SCHOEN: Sure. Actually, the -- oh,
10:16:30 15 sorry.

10:16:34 16 OFFICIAL INTERPRETER BEN-NAIM: You'll have
10:16:34 17 to repeat. I didn't write anything. So --

10:16:38 18 MR. McALEER: I will repeat what I just said.

10:16:44 19 (Comment in Arabic by Official Interpreter
10:16:44 20 Ben-Naim.)

10:16:45 21 OFFICIAL INTERPRETER BEN-NAIM: I said: "He
10:16:46 22 is repeating what is between the both of you."

10:16:49 23 MR. McALEER: David, for clarity sake, the
10:16:51 24 order in the case is that, when you have completed
10:16:57 25 the examination regarding the PLO Executive Committee

10:17:01 1 capacity, then you may proceed with other examination
10:17:16 2 regarding other areas.

10:17:27 3 Further to Mark Rochon's question, you --
10:17:30 4 we would appreciate it if you would indicate on
10:17:42 5 the record when you have completed that first part
10:17:45 6 of the examination so that the record is clear when
10:18:02 7 the transition occurs.

10:18:11 8 Is that agreeable to you?

10:18:12 9 MR. SCHOEN: Yes.

10:18:12 10 Q. BY MR. SCHOEN: Yes, I intend to proceed
10:18:23 11 that way so that all of the questions I ask you now,
10:18:26 12 unless or until I say otherwise, relate to your relevant
10:18:40 13 knowledge in your capacity as a member of the PLO
10:18:51 14 Executive Committee.

10:19:00 15 Now, as to the car that you have as a function
10:19:06 16 of your role as a PLO Executive Committee member, what
10:19:23 17 kind of car is that?

10:19:39 18 A. More than once, I have utilized cars that
10:19:42 19 have been covered by the PLO. I used to have a rental
10:19:52 20 car for a while. I had a car from Opel Astra -- Astra.
10:20:19 21 Then I had an Audi that was demolished at the compound
10:20:23 22 where Yasser Arafat was. Currently, I have a Mercedes
10:20:35 23 which is a old model, '97, '98.

10:20:40 24 Q. All right. For all of those cars, the PLO
10:20:43 25 has been paying either for rental or they bought the

10:20:47 1 car for you?

10:21:10 2 A. I already mentioned that -- that the PLO
10:21:13 3 has been covering the expenses for all members of
10:21:16 4 the Executive Committee, whether it is the car or
10:21:19 5 the accommodation.

10:21:22 6 Q. So the PLO, then, is paying for cars and
10:21:26 7 homes for every member of the PLO Executive Committee,
10:21:31 8 as far as you know?

10:21:44 9 A. Correct.

10:21:46 10 Q. Do you know whether the -- do you know who
10:21:49 11 the members are of the PLO Executive Committee, the
10:21:52 12 other members?

10:22:02 13 A. Of course. I meet with them. Despite the --
10:22:26 14 despite the fact that, since 1993 until '98, there was
10:22:31 15 a disruption in my participation, as well as when I
10:22:35 16 was detained after two -- the year 2000 until 2002,
10:22:39 17 I haven't been meeting with members of the Executive
10:22:43 18 Committee.

10:22:44 19 CHECK INTERPRETER HAZOU: 2007. 2002 to 2007.

10:22:47 20 MR. ROCHON: Our -- our translator said that
10:22:47 21 he referenced 2002 to 2007 as the period when he was
10:22:53 22 incarcerated and not meeting. I wonder if the -- the
10:22:57 23 translators could agree to that.

10:23:00 24 THE WITNESS: June 2002 until July 2007.

10:23:05 25 Q. BY MR. SCHOEN: That's the period when he was

10:23:07 1 not meeting with them. But besides those periods, he
10:23:11 2 was meeting with them; correct?

10:23:12 3 (Comment in Arabic by the witness.)

10:23:17 4 MR. McALEER: If we could make sure that the
10:23:20 5 translation on this end can be recorded and audio --
10:23:26 6 audibly and then responded to after the completion of
10:23:29 7 the translation, that would be great.

10:23:30 8 (Comment in Arabic by Official Interpreter
10:23:30 9 Ben-Naim.)

10:23:34 10 OFFICIAL INTERPRETER BEN-NAIM: I said:
10:23:45 11 "There is a delay" and "please wait."

10:23:47 12 Q. BY MR. SCHOEN: Mr. Malouh, occasionally
10:23:49 13 I see you looking to the left, and you appear to be
10:23:52 14 listening to someone or looking at something. It's
10:24:05 15 very difficult to know from here what's happening there.

10:24:14 16 So I wanted to just ask you who you're
10:24:17 17 speaking to or listening to on your left?

10:24:39 18 A. Frankly, I'm talking directly to you in a --
10:24:42 19 in a -- in a direct way. But the person I'm talking to
10:24:46 20 to my left is my personal lawyer.

10:24:49 21 Q. All right.

10:24:52 22 MS. DARSHAN-LEITNER: Who is that?

10:24:52 23 MR. SCHOEN: Mr. Rochon, I'd like to work
10:24:56 24 out some procedure -- I'm not -- we're not -- we can
10:24:57 25 translate this so Mr. Malouh can follow.

10:25:06 1 We may have -- Mr. Malouh's personal lawyer
10:25:11 2 may or may not be familiar with our deposition practice.
10:25:29 3 And I don't want to give Mr. Malouh any directions. I
10:25:32 4 would rather you handle that and I would just speak to
10:25:35 5 you about this. I would just ask you that -- to ensure
10:25:47 6 that, when I ask a question and there's a question
10:25:51 7 pending, that Mr. Malouh's lawyer -- or no one other
10:25:54 8 than Mr. Malouh answer that question or provide input
10:25:58 9 into the answer of that question.

10:26:14 10 MR. ROCHON: This is Rochon speaking. That's
10:26:15 11 agreeable. And just so you have a sense of the room,
10:26:18 12 on Mr. Malouh's left is his personal counsel. On
10:26:23 13 Mr. Malouh's right are myself, Mr. Saadi, and the check
10:26:28 14 translator.

10:26:30 15 MR. SCHOEN: Thank you.

10:26:30 16 Q. BY MR. SCHOEN: Mr. Malouh --

10:26:32 17 MR. ROCHON: And -- and to the degree it's
10:26:34 18 helpful, Mr. Schoen -- I don't speak Arabic or read
10:26:36 19 it -- I believe what was happening was that his counsel
10:26:39 20 was telling him to wait for the translator before he
10:26:41 21 starts answering so we can have a clear record. I --
10:26:44 22 I don't understand, but he was -- the hand gestures
10:26:47 23 were consistent with "would you hold off" --

10:26:52 24 MR. SCHOEN: Thank you.

10:26:52 25 MR. ROCHON: -- which would be helpful.

10:26:54 1 MR. SCHOEN: Thank -- thank you for explaining
10:26:54 2 that.

10:26:55 3 Q. BY MR. SCHOEN: Mr. Malouh --

10:26:56 4 MR. SCHOEN: You can translate. Thank you.

10:26:58 5 OFFICIAL INTERPRETER BEN-NAIM: The whole
10:26:59 6 conversation?

10:27:01 7 MR. SCHOEN: Yes. I just said: "Thank you
10:27:03 8 for explaining it."

10:27:05 9 OFFICIAL INTERPRETER BEN-NAIM: I'm going
10:27:05 10 to -- I'm going to -- I'm going to summarize sort of
10:27:09 11 whatever you said in between.

10:27:31 12 (Brief exchange in Arabic between Official
10:27:31 13 Interpreter Ben-Naim and the witness.)

10:27:37 14 (Last colloquy translated.)

10:28:07 15 Q. BY MR. SCHOEN: Mr. Malouh, I see -- it
10:28:09 16 appears you have some papers in front of you.

10:28:12 17 Is that right?

10:28:23 18 MR. ROCHON: (Indicating.) That's a set of
10:28:25 19 tissues.

10:28:26 20 MR. SCHOEN: Yes, that's a tissue box.

10:28:28 21 In -- in Mr. Malouh's hands, it looks like
10:28:31 22 a piece of paper.

10:28:32 23 THE WITNESS: I have empty papers from the
10:28:43 24 hotel in order to record notes and opinions.

10:28:45 25 Q. BY MR. SCHOEN: I understand. Thank you.

10:28:50 1 In preparing for this deposition, did you look
10:29:00 2 at any papers?

10:29:12 3 A. I still haven't checked any documents. I wait
10:29:17 4 for your questions to see what will unfold.

10:29:21 5 Q. And in preparing for the deposition, did you
10:29:23 6 speak to anyone about the deposition, about testifying
10:29:26 7 today?

10:30:03 8 A. Only yesterday -- only yesterday I had a
10:30:12 9 visit in my office by Mr. Osama and Mr. Michael [sic].
10:30:18 10 And we discuss for almost an hour, and I did not have
10:30:22 11 any documents or other material related to this
10:30:25 12 deposition.

10:30:26 13 Q. When you say "Michael," I assume you really
10:30:29 14 mean Mark, Mr. Rochon; correct?

10:30:40 15 A. Yes, I do.

10:30:40 16 Q. You mentioned just now your office.

10:30:43 17 Where is your office?

10:30:51 18 A. My office -- my office is in the premises of
10:30:56 19 the PLO building, next to the Mukataa.

10:31:01 20 Q. And who pays for that office?

10:31:11 21 A. All the PLO offices are on this site.

10:31:14 22 Q. I see. So your office is a PLO office?

10:31:27 23 A. Clearly, if I am not anymore within the PLO,
10:31:30 24 then I will have to leave the office.

10:31:34 25 Q. Mr. Malouh, so that I understand the

10:31:38 1 structure, you referred before to the other members
10:31:41 2 of the PLO Executive Committee?

10:31:54 3 A. Of course. The issue is not the issue of --

10:32:04 4 OFFICIAL INTERPRETER BEN-NAIM: "Their."

10:32:07 5 (Comment in Arabic by Official Interpreter
10:32:07 6 Ben-Naim.)

10:32:08 7 CHECK INTERPRETER HAZOU: "It's not their
10:32:10 8 issue."

10:32:11 9 MR. ROCHON: Our -- our check translator said
10:32:12 10 that the answer translated is: "That is not the issue."

10:32:17 11 CHECK INTERPRETER HAZOU: "Their issue."
10:32:17 12 "Their issue."

10:32:17 13 MR. ROCHON: "That is not their issue."

10:32:18 14 I wonder if your translator can agree,
10:32:20 15 Mr. Schoen. Try to get -- okay. Good. Thank you.

10:32:24 16 Q. BY MR. SCHOEN: Let me back up.

10:32:25 17 Mr. Malouh, when did you join the PLO
10:32:27 18 Executive Committee?

10:32:38 19 A. In Algeria in 1991.

10:32:42 20 Q. And have you been a member of the PLO
10:32:43 21 Executive Committee since that time?

10:32:55 22 A. I have suspended my membership in '93 until
10:33:00 23 1999. I was imprisoned in 2002 and released in 2007,
10:33:14 24 after which I continued my function.

10:33:17 25 Q. Okay. You suspended in '99, did you say?

10:33:33 1 A. From 1993 until 1999.

10:33:37 2 Q. Yes. I'm sorry.

10:33:38 3 And then, until you went to prison, you were
10:33:41 4 a member of the PLO Executive Committee?

10:34:04 5 A. I have been -- I have been a member for --
10:34:10 6 in '91. And then it was suspended from '93 until '99.
10:34:13 7 And, of course, I continued to be a member of the PLO
10:34:20 8 when I was in prison between the years 2002 and 2007.

10:34:29 9 CHECK INTERPRETER HAZOU: "But I did not have
10:34:29 10 any role because I was in prison."

10:34:31 11 MR. SCHOEN: I'm sorry?

10:34:32 12 MR. ROCHON: Our check translator said that
10:34:33 13 he -- that the witness also said that: "I did not have
10:34:36 14 any role because I was in prison."

10:34:38 15 Q. BY MR. SCHOEN: I -- I understand. I'm really
10:34:41 16 just asking --

10:34:41 17 MR. ROCHON: Hold on.

10:34:42 18 MR. McALEER: Hold on. Hold on. Just so
10:34:43 19 the record is clear, does the official translator
10:34:46 20 accept that -- that proposed translation from the
10:34:51 21 check translator?

10:34:52 22 OFFICIAL INTERPRETER AGHAZARIAN: I do.

10:34:54 23 MR. McALEER: Thank you.

10:34:54 24 Q. BY MR. SCHOEN: Okay. Really I'm asking not
10:34:56 25 about "role" yet. I -- I just want to get an overall

10:35:06 1 picture of the structure.

10:35:13 2 So you became a member of the PLO Executive
10:35:16 3 Committee and have been a member since that date in
10:35:26 4 19 -- since that date in Algiers that you mentioned
10:35:39 5 through today and --

10:35:48 6 A. In 1993, I suspended my membership.

10:35:53 7 Q. Yes. Other than the period that you --

10:35:59 8 A. And this membership was suspended until 1999.
10:36:04 9 After -- after 1999, a dialogue -- and it was suspended
10:36:32 10 from 11/6/2002 until 2000 [sic] when I was released in
10:36:35 11 prison and I reassumed my role.

10:36:38 12 Q. Okay. And do you know why you were asked to
10:36:41 13 join the PLO Executive Committee?

10:36:57 14 A. The Executive Committee --

10:37:06 15 MR. SCHOEN: Stop one second just for the --

10:37:07 16 THE WITNESS: The Executive Committee --

10:37:07 17 MR. SCHOEN: -- translator. Sorry.

10:37:08 18 THE WITNESS: The Executive Committee is
10:37:11 19 elected from the PNC. And this happened in -- in 1991
10:37:16 20 in Algeria and in 1996.

10:37:20 21 Q. BY MR. SCHOEN: Mr. Malouh -- Mr. Malouh,
10:37:20 22 some --

10:37:29 23 A. The other issue is that -- that the Executive
10:37:34 24 Committee is composed of all members of -- all -- all
10:37:39 25 components of the Palestinian people, personalities,

10:37:44 1 and factions.

10:37:46 2 Q. Can you tell me, for example, the factions
10:37:49 3 that are represented on the PLO Executive Committee?

10:38:16 4 A. I'm not in a position to specify this function
10:38:20 5 or that. But this represents the whole Palestinian
10:38:29 6 people. And according to the law, all Palestinians
10:38:32 7 are part and parcel of the PLO.

10:38:36 8 Q. Mr. Malouh, I'm just going to ask you
10:38:39 9 procedurally to learn from my mistakes and stop after
10:38:50 10 you speak shortly so we can have the translation.

10:39:02 11 Is it accurate to say that, since the PLO
10:39:12 12 Executive Committee represents all of the factions of
10:39:20 13 the Palestinian people, you were invited to join the
10:39:29 14 PLO Executive Committee as a representative of the
10:39:38 15 PFLP faction?

10:39:44 16 MR. McALEER: Objection as to form.

10:39:46 17 THE WITNESS: Yes.

10:39:47 18 Q. BY MR. SCHOEN: Okay.

10:39:57 19 A. I do represent the PFLP within the PLO.

10:40:01 20 Q. Okay. And other members of the PLO Executive
10:40:05 21 Committee represent their faction?

10:40:21 22 A. Not necessarily, because there are certain
10:40:25 23 people who represent figures, public figures. It could
10:40:36 24 be individual representatives. Representatives of the
10:40:47 25 PLO are factions, as well as individual public figures

10:40:51 1 that are Palestinian.

10:40:53 2 Q. As a member of the PLO Executive Committee --

10:40:58 3 CHECK INTERPRETER HAZOU: "Who are
10:40:58 4 independent."

10:41:00 5 I'm sorry. But he also mentioned: "Public
10:41:02 6 figures who are independent people also. They do not
10:41:04 7 need to be representing a faction."

10:41:08 8 MR. ROCHON: Does the translator agree with --
10:41:09 9 that the witness said "independent people"?

10:41:16 10 MR. SCHOEN: Albert?

10:41:16 11 MR. McALEER: Mr. Aghazarian, do you agree
10:41:18 12 with the proposed translation from the check translator?

10:41:25 13 OFFICIAL INTERPRETER AGHAZARIAN: I don't.

10:41:25 14 MR. McALEER: Okay. Could -- would you mind
10:41:27 15 explaining why you disagree with the check translator
10:41:31 16 that the concept of other persons being independent
10:41:36 17 was not part of the witness' answer?

10:41:39 18 OFFICIAL INTERPRETER AGHAZARIAN: When you say
10:41:39 19 "public figures," by insinuation it means "independent."

10:41:45 20 CHECK INTERPRETER HAZOU: No, no, no, no. He
10:41:46 21 mentioned --

10:41:47 22 (Comment in Arabic by Check Interpreter
10:41:47 23 Hazou.)

10:41:47 24 CHECK INTERPRETER HAZOU: He said
10:41:47 25 "independent."

10:41:48 1 I think it's a problem of communication more
10:41:51 2 than anything else. We do not suspect your abilities,
10:41:53 3 Albert, as a good translator. That we know. It's
10:41:56 4 just -- it's just bad communication sometimes.

10:41:59 5 OFFICIAL INTERPRETER AGHAZARIAN: Public --

10:41:59 6 CHECK INTERPRETER HAZOU: So he -- he did say
10:42:01 7 "public figure."

10:42:02 8 (Comment in Arabic by Check Interpreter
10:42:02 9 Hazou.)

10:42:03 10 OFFICIAL INTERPRETER AGHAZARIAN: Public --

10:42:04 11 (Comment in Arabic by Check Interpreter
10:42:04 12 Hazou.)

10:42:05 13 CHECK INTERPRETER HAZOU: He did say that.

10:42:06 14 OFFICIAL INTERPRETER AGHAZARIAN: Public
10:42:07 15 figures need to be independent.

10:42:09 16 Q. BY MR. SCHOEN: Can -- can you give an example
10:42:10 17 of who you mean by these independent public figures?

10:42:16 18 (Pending question partially translated.)

10:42:16 19 OFFICIAL INTERPRETER BEN-NAIM: Like?

10:42:16 20 MR. SCHOEN: "Public figures."

10:42:16 21 (Remainder of pending question translated.)

10:42:16 22 THE WITNESS: I have given an example a while
10:42:32 23 ago. Shafiq Al-Hout was a member of the -- of the PLO,
10:42:37 24 and he was independent.

10:42:38 25 Q. BY MR. SCHOEN: Okay. And, again, Mr. Malouh,

1 I'm asking you a broad question now.

2 The way you have described the structure of
3 the PLO Executive Committee, does that testimony apply
4 since you have been a member of the PLO Executive
5 Committee 'til today?

6 MR. McALEER: Objection as to form.

7 THE WITNESS: This is the situation before
8 I joined in and after I joined in.

9 Q. BY MR. SCHOEN: So all the time that you've
10 been on there, that's the structure of the PLO Executive
11 Committee?

12 A. This is the basic ground rules within the PLO
13 since it was established until now.

14 Q. As a member of the PLO Executive Committee,
15 do you have the right to decide who can be a member?
16 You, I mean Mr. Malouh, do you -- who can be a member
17 of the PLO Executive Committee?

18 A. What determines that is the Palestinian
19 National Council, PNC.

20 MR. SCHOEN: Council or councils?

21 CHECK INTERPRETER HAZOU: The PNC. The PNC.

22 MR. McALEER: The translator said "council."

23 MR. SCHOEN: Yeah. And it's an Arabic term.

24 Q. BY MR. SCHOEN: And who makes up the -- shall
25 we call it PNC for -- you understand what I mean when

10:44:58 1 I say "PNC"?

10:45:10 2 A. I understand it's the Palestinian National
10:45:13 3 Council.

10:45:14 4 Q. (Not translated.) Okay. So I'm going to use
10:45:16 5 "PNC," and that's what I mean, so we understand each
10:45:20 6 other.

10:45:20 7 MR. SCHOEN: Shimon.

10:45:20 8 (Pending question translated.)

10:45:32 9 THE WITNESS: (In English.) Okay.

10:45:34 10 Q. BY MR. SCHOEN: Who -- who makes up the --
10:45:34 11 who are the members of the PNC?

10:45:37 12 Are there members of the PNC?

10:45:55 13 A. Since 1969, the principals of the PNC
10:46:07 14 have been endorsed, established. They join popular
10:46:13 15 organizations, factions, public figures, and the
10:46:21 16 Palestinian Liberation Army.

10:46:24 17 Q. If you would, sir, name for me some of the
10:46:33 18 other factions who are members of the PLO Executive
10:46:36 19 Committee.

10:46:52 20 A. Factions? It is my right to mention factions.
10:47:01 21 And this is not part of the process to mention the
10:47:05 22 various factions that constitute the executive --
10:47:07 23 Executive Committee.

10:47:09 24 Q. That -- with all due respect, that's part
10:47:11 25 of my process. I'm asking you to name who the other

10:47:23 1 factions are.

10:47:37 2 A. Very clearly and frankly, I cannot mention
10:47:40 3 all the factions. But all the Palestinian factions of
10:47:49 4 the Palestinian people have the right to be members of
10:47:54 5 the PLO. Those who are outside the framework of the
10:47:58 6 PLO are those who do not want.

10:48:02 7 Q. How many -- if you were to estimate, how
10:48:04 8 many factions do you think are represented on the PLO
10:48:08 9 Executive Committee?

10:48:24 10 A. You may say ten or five or fifteen. I don't
10:48:28 11 have a ready answer for this. Independent factions.

10:48:34 12 Q. Okay. Is Fatah one of the factions on the
10:48:37 13 PLO Executive Committee?

10:48:47 14 A. You have said that.

10:48:49 15 Q. Yes. And I'm asking you. It was a question.
10:48:51 16 I'm sorry.

10:49:01 17 A. Maybe it is Fatah or otherwise. This concerns
10:49:05 18 every faction on its own.

10:49:07 19 Q. Yeah. But you're here today as a
10:49:11 20 representative. And I'm asking you questions
10:49:13 21 as a member of the PLO Executive Committee.

10:49:15 22 So I'm asking you --

10:49:27 23 A. I am not here as a representative of the
10:49:30 24 Executive Committee. I don't represent the Executive
10:49:37 25 Committee. I represent and I -- I used to be a

10:49:43 1 represent [sic], and I don't represent.

10:49:45 2 Q. What does that mean, "I used to represent"?

10:49:59 3 A. I am here a representative -- as a member of
10:50:02 4 the Executive Committee. But I do not represent the
10:50:06 5 Executive Committee.

10:50:08 6 Q. I'm asking you, sir: As a member of the
10:50:11 7 PLO Executive Committee, is Fatah a member of the PLO
10:50:23 8 Executive Committee?

10:50:35 9 A. I am not entitled to respond on behalf of
10:50:39 10 Fatah. Talk to Fatah directly.

10:50:41 11 Q. I'm sorry. I'm not asking you to respond
10:50:44 12 on behalf of Fatah. I'm asking you: Based on your
10:50:50 13 knowledge, in your capacity as a member of the PLO
10:50:59 14 Executive Committee, whether Fatah is a member --

10:51:21 15 A. It doesn't have to do with my knowledge of
10:51:23 16 this. I am here in a very specific case, and I'm ready
10:51:27 17 to discuss this specific case with you.

10:51:30 18 Q. Mr. Malouh, with all due respect, unless your
10:51:35 19 lawyer -- a lawyer directs you not to answer, I'm going
10:51:40 20 to continue asking my questions. If your lawyer directs
10:51:42 21 you not to answer, then we can discuss it among the
10:51:56 22 lawyers. So I want to ask you one more time for an
10:52:06 23 answer to my question.

10:52:20 24 A. I want first to tell you that I have not
10:52:23 25 received any instructions from the lawyer or otherwise.

10:52:30 1 I am discussing this issue. This has nothing to do with
10:52:34 2 discussion with lawyers and the session over this topic.
10:52:41 3 I am not entitled here -- in a position to speak about
10:52:45 4 Fatah or otherwise. You have many members of Fatah and
10:52:56 5 other factions, and you could direct yourself towards
10:52:59 6 them.

10:53:00 7 Q. Mr. Malouh, is the DFLP faction a member of
10:53:08 8 the PLO Executive Committee?

10:53:17 9 A. We don't answer any questions of this -- of
10:53:21 10 this type.

10:53:21 11 Q. Meaning you refuse to answer any questions
10:53:24 12 as to who the members are of -- other than you -- of
10:53:32 13 the PLO Executive Committee?

10:53:43 14 A. I will not respond to any faction or person
10:53:47 15 who are members of the PLO. You could address yourself
10:53:52 16 directly to them and talk to them.

10:53:54 17 Q. Mr. Malouh, the -- again, the translator --
10:53:56 18 it's a little difficult because you're speaking a little
10:54:00 19 bit long before you take a break. If you could, just
10:54:07 20 take a break, a little shorter, and then finish your
10:54:13 21 sentence.

10:54:23 22 Do you know -- go ahead.

10:54:31 23 A. I clearly stated that I will not respond
10:54:33 24 to such questions whether you have representatives
10:54:37 25 or otherwise. I will not respond to such questions.

10:54:40 1 Because, if you want to ask them, you can directly
10:54:46 2 address yourselves to them.

10:54:52 3 Q. Do you meet with the other members of the
10:54:54 4 PLO Executive Committee?

10:55:04 5 A. I meet or I don't meet. That's another
10:55:07 6 matter.

10:55:09 7 Q. I'm not sure I understand the answer.

10:55:11 8 Is that a "yes" or "no"?

10:55:29 9 A. I could meet and I could not meet and I could
10:55:32 10 meet regularly or non-regularly. This is not a matter
10:55:35 11 to -- I will discuss with you.

10:55:37 12 Q. Mr. Malouh, is your answer that you refuse
10:55:40 13 to answer my questions about whether you meet with the
10:55:43 14 PLO Executive Committee, as well as any questions when
10:56:00 15 you meet with --

10:56:01 16 (Comment in Arabic by the witness.)

10:56:01 17 Q. BY MR. SCHOEN: Excuse me. Let me -- let
10:56:03 18 me -- I haven't finished my question.

10:56:08 19 A. My answer is that your questions move things
10:56:12 20 into a different direction.

10:56:14 21 Q. Yeah. Mr. Malouh, again, with all due
10:56:17 22 respect, I'm asking the questions here. So please
10:56:18 23 let me finish my question.

10:56:24 24 Now I'll ask you again.

10:56:25 25 Do you refuse to answer any questions on the

10:56:34 1 subjects of whether you meet with other members of the
10:56:40 2 PLO Executive Committee, how often you meet, and when
10:56:54 3 you have any such meetings?

10:57:01 4 MR. ROCHON: Objection -- just wait a
10:57:03 5 minute -- to the form.

10:57:05 6 And, Mr. Schoen, if I could, it's not clear
10:57:09 7 if the question is whether he meets with those people,
10:57:13 8 which would be one thing, or if you're asking him
10:57:16 9 whether he goes -- actually attends Executive Committee
10:57:20 10 meetings.

10:57:20 11 As formed, your question was, "Do you meet
10:57:22 12 with those people?" which could be outside that context.

10:57:26 13 MR. SCHOEN: Okay.

10:57:26 14 MR. ROCHON: I am wondering whether you would
10:57:28 15 like us to take a break, and we could discuss with the
10:57:30 16 witness the -- the responsiveness of these questions or
10:57:34 17 not. I defer to you, if you don't want us to do that.

10:57:41 18 MR. SCHOEN: Let -- let's -- if you don't
10:57:41 19 mind, unless there's some reason to take a break
10:57:43 20 otherwise, let's just continue on for a bit here.

10:57:45 21 And then I am going to ask you -- I'll ask you to
10:57:50 22 speak with the witness about his obligations in the
10:57:52 23 deposition, which you and I may disagree with.

10:57:56 24 But I -- I want to -- I just want to be clear,
10:57:58 25 Mr. Rochon, that, you know, we're all -- oh, I'm sorry.

10:58:02 1 We need to translate so Mr. Malouh is following also.

10:58:06 2 I -- I want to be clear, Mr. Rochon, that we
10:58:17 3 will take the position that this witness is required
10:58:20 4 to answer these questions in his capacity here today
10:58:34 5 as a PLO Executive Committee member. We're -- we're
10:58:41 6 all a long way from home. Many of us are -- many of
10:58:44 7 us are a long way from home. And, if possible, I would
10:58:53 8 like to avoid doing this twice.

10:59:06 9 But we will press for answers along these
10:59:10 10 lines of questioning with the judge if Mr. Malouh
10:59:13 11 refuses to answer. And given the time difference
10:59:22 12 and other considerations --

10:59:32 13 OFFICIAL INTERPRETER BEN-NAIM: I would add
10:59:33 14 for myself --

10:59:33 15 (Comment in Arabic by Official Interpreter
10:59:33 16 Ben-Naim.)

10:59:37 17 OFFICIAL INTERPRETER BEN-NAIM: I said:
10:59:37 18 "Between the Middle East and the United States."

10:59:41 19 MR. SCHOEN: Yes.

10:59:42 20 -- we will complete the depo -- the deposition
10:59:45 21 before I go to the judge with any issues.

10:59:56 22 In any event, let -- let me just -- let me
11:00:00 23 back -- before we take a break, let me just back up
11:00:03 24 with a couple of questions and ask -- yeah, let me
11:00:12 25 just go back to a couple of other areas.

11:00:24 1 Q. BY MR. SCHOEN: With respect to the PLO's
11:00:26 2 payment for your house and for your car -- and if the
11:00:41 3 answer is different between the house and the car, tell
11:00:42 4 me -- how does the PLO pay for the house -- your house
11:00:51 5 and your -- I'm sorry -- your apartment and your car?

11:01:01 6 Do they -- do they pay you directly? Or
11:01:10 7 please describe for me how payment is made.

11:01:21 8 A. First of all -- first of all, I do not receive
11:01:26 9 any funds directly. It is paid to the owner of the
11:01:30 10 apartment.

11:01:31 11 Q. For your benefit?

11:01:37 12 A. This is according to the rent contract which
11:01:39 13 is there.

11:01:41 14 Q. Who is that rent con -- I'm sorry.

11:01:46 15 A. This has -- this is concerning the apartment.
11:01:49 16 As for the car, the car is handed in to the driver.

11:01:59 17 Q. Sir, I didn't understand. I'm sorry. I
11:02:02 18 didn't understand.

11:02:03 19 A. The driver goes and comes. He takes care
11:02:06 20 of it.

11:02:07 21 Q. Who pays the driver?

11:02:13 22 A. The PLO pays to the driver.

11:02:16 23 Q. And the driver pays someone for a lease on
11:02:18 24 the car, or the car was bought?

11:02:39 25 A. There are different phases. When I was in

11:02:46 1 Jordan in '91, it was rented. But when I became part
11:02:50 2 of the PLO, it belongs to the PLO. And they can refuse
11:02:55 3 it anytime I finish my assignment.

11:02:57 4 Q. When you say when you became part of the PLO,
11:02:59 5 you're part of the PLO and part of the PFLP; correct?

11:03:26 6 A. I have not left the PLO or -- and I have not
11:03:30 7 left the PFLP.

11:03:31 8 Q. Okay. Again, so I don't have to ask ten
11:03:36 9 questions on this subject, has this -- since you became
11:03:44 10 a member of the PLO Executive Committee, whether you
11:03:52 11 were renting a car or bought a car, renting an apartment
11:03:59 12 or a house, or an apartment or house was rented for you,
11:04:13 13 the place where you have been living and the car that's
11:04:20 14 for your benefit has been paid for by the PLO; correct?

11:04:35 15 A. Correct.

11:04:36 16 Q. Okay. All of that time, nothing has changed
11:04:40 17 about that from one year to another?

11:04:46 18 A. Correct. With the -- with the exception of
11:04:50 19 the times when membership was frozen.

11:04:55 20 Q. Okay. Tell me the times when the PLO did not
11:04:59 21 pay for your -- the place where you were living and the
11:05:04 22 car that was for your benefit.

11:05:40 23 A. I have already mentioned between 1993 and 1999
11:05:46 24 when my membership was frozen in the PLO. As a reaction
11:05:50 25 from the Palestinian leadership, everything was blocked.

11:05:53 1 Q. And that's the only time frame when they were
11:05:56 2 not paying for these things -- the PLO was not paying
11:05:59 3 for these things?

11:06:05 4 A. Of course that was the -- the -- the case
11:06:08 5 before 1991 when I became a member of the Executive
11:06:12 6 Committee.

11:06:13 7 Q. And all the way through, other than that
11:06:15 8 period '93 to '99?

11:06:16 9 (Pending question partially translated.)

11:06:20 10 OFFICIAL INTERPRETER BEN-NAIM: Please repeat.

11:06:21 11 Q. BY MR. SCHOEN: And other than the period '93
11:06:23 12 to '99, from before you became a member through today,
11:06:25 13 that has been the system?

11:06:27 14 (Pending question partially translated.)

11:06:27 15 OFFICIAL INTERPRETER BEN-NAIM: Ninety?

11:06:33 16 MR. SCHOEN: '93 to '99.

11:06:36 17 (Remainder of pending question translated.)

11:06:39 18 THE WITNESS: Yes.

11:06:40 19 Q. BY MR. SCHOEN: Okay. Now, you mentioned
11:06:41 20 a driver. You have someone who drives your car?

11:06:52 21 A. Of course there is somebody. Does the car
11:06:56 22 roll on its own?

11:06:57 23 Q. I'm sorry. That was a good joke.

11:07:00 24 I meant -- I meant someone other than you.
11:07:04 25 I didn't think the car drove itself.

11:07:19 1 A. It doesn't roll -- roll on its own. But,
11:07:22 2 clearly, my driver in Amman was different than my
11:07:28 3 driver here.

11:07:29 4 Q. Yes. I wasn't asking for who your driver
11:07:33 5 was yet.

11:07:34 6 But, Mr. Malouh, since you've been a member
11:07:39 7 of the PLO Executive Committee, during the course of
11:07:45 8 your membership on the PLO Executive Committee, has
11:07:53 9 the PLO paid for a driver for you?

11:08:11 10 A. As long as I am in -- in -- in my position,
11:08:13 11 the PLO will cover this. These are bylaws within the
11:08:18 12 PLO.

11:08:20 13 Q. There are PLO bylaws that require the PLO
11:08:22 14 to pay for these kinds of expenses -- these kinds
11:08:27 15 of expenses for every member of the PLO Executive
11:08:29 16 Committee?

11:08:54 17 A. Every member who has been elected for the
11:08:57 18 Executive Committee, the PLO is responsible to provide
11:09:01 19 a car and an accommodation for him or her.

11:09:06 20 Q. And are you paid a salary by the PLO?

11:09:20 21 A. I think we're not coming here for the salary
11:09:23 22 and the house. These are irrelevant questions.

11:09:26 23 Q. Are you paid a salary by the PLO in your
11:09:29 24 capacity as a PLO Executive Committee member?

11:09:42 25 A. I said I'm not here to look at the salary

11:09:45 1 or apartment rent or the driver. This is not our topic.

11:09:51 2 Q. Do you refuse to answer any questions as to
11:09:54 3 whether you're paid a salary -- let -- let -- let me
11:09:57 4 finish my question. I have to finish my -- I --

11:10:02 5 A. I did not respond -- I did not refuse to
11:10:06 6 respond. I have -- I have given, but if you don't
11:10:11 7 like my answer, that's another matter.

11:10:14 8 Q. Mr. Malouh, are you paid a salary by the PLO?

11:10:27 9 A. I don't answer such questions. You can annul
11:10:30 10 the home and the car and so on.

11:10:32 11 Q. Mr. Malouh, are you married?

11:10:42 12 A. Somebody who is 68 years old is not married,
11:10:45 13 you think?

11:10:46 14 Q. Mr. Malouh, are you married?

11:10:52 15 A. Yes, I am married.

11:10:54 16 Q. What is your wife's name?

11:10:55 17 (Comment in Arabic by the witness.)

11:10:55 18 (Pending question re-translated.)

11:11:11 19 THE WITNESS: Her name is Amal. What's my
11:11:13 20 wife's name? Her name is Amal.

11:11:15 21 Q. BY MR. SCHOEN: When you were in prison,
11:11:21 22 do you know whether your wife helped to arrange your
11:11:24 23 release from prison?

11:11:41 24 A. No. I'm -- I don't know. But according to
11:11:46 25 what I know, she did not play any role in that.

11:11:50 1 Q. Uh-huh. Have you ever seen a videotape of
11:11:52 2 your wife discussing your release from prison when an
11:11:56 3 announcement was made that you would be released?

11:12:21 4 A. He did not say "conditions."

11:12:25 5 OFFICIAL INTERPRETER BEN-NAIM: Okay. Could
11:12:25 6 you please repeat?

11:12:31 7 THE WITNESS: I answered this question.
11:12:32 8 I have not seen such a video.

11:12:36 9 Q. BY MR. SCHOEN: Okay. Mr. Malouh, do you
11:12:36 10 have children?

11:12:43 11 A. I have three [sic] children, three boys and
11:12:46 12 one girl.

11:12:47 13 Q. Do your children live in your apartment with
11:12:49 14 you?

11:12:57 15 A. Part of them are here, and part are abroad
11:13:01 16 studying.

11:13:01 17 Q. How many children are living at home now with
11:13:05 18 you?

11:13:11 19 A. I have a girl and a boy and -- a son living
11:13:14 20 with us here.

11:13:17 21 Q. Mr. Malouh, where are your other children
11:13:20 22 studying?

11:13:30 23 A. One is married, living separately. And the
11:13:33 24 other is studying in the U.S.A.

11:13:36 25 Q. Mr. Malouh, how much money are you paid by

11:13:40 1 the PLO each year?

11:13:56 2 MR. SCHOEN: Excuse me. If there -- if
11:13:57 3 there's any -- I'm sorry.

11:13:58 4 (Comment in Arabic by the witness.)

11:13:59 5 MR. SCHOEN: I hear -- I'm sorry. I hear
11:13:59 6 other voices.

11:14:01 7 THE WITNESS: Already this question was asked
11:14:03 8 before.

11:14:04 9 MR. SCHOEN: I hear -- excuse me. I hear
11:14:06 10 other voices in the background. Please tell us what
11:14:10 11 was said to the witness and what the witness responded,
11:14:12 12 if anything.

11:14:13 13 MR. ROCHON: What was said to the witness
11:14:21 14 is that he should answer the question.

11:14:24 15 MR. SCHOEN: Thank you.

11:14:25 16 MR. ROCHON: Do you have a problem with that?

11:14:27 17 MR. SCHOEN: No. I thought that's --

11:14:27 18 MR. ROCHON: And the witness --

11:14:28 19 MR. SCHOEN: I'm sorry.

11:14:29 20 MR. ROCHON: The witness did not -- the
11:14:30 21 witness did not respond, as near that I could tell,
11:14:31 22 other than to your question.

11:14:34 23 MR. SCHOEN: Thank you. I thought that's
11:14:34 24 what I heard. And I -- that was my observation, that
11:14:35 25 the witness did not respond also.

11:14:39 1 MR. ROCHON: Maybe because the suggestion
11:14:41 2 was made in English.

11:14:44 3 MR. SCHOEN: You mean your suggestion?

11:14:46 4 MR. ROCHON: Yes.

11:14:47 5 MR. SCHOEN: Aah, I see. Okay.

11:14:51 6 Q. BY MR. SCHOEN: Mr. Malouh --

11:14:51 7 MR. ROCHON: The suggestion to answer -- the
11:14:52 8 suggestion to answer the question.

11:14:54 9 MR. SCHOEN: Yes, yes. Yes, yes. I'm clear
11:14:56 10 on that. Thank you.

11:14:58 11 Q. BY MR. SCHOEN: Mr. Malouh, I want to ask you
11:15:01 12 again: Are you paid a salary by the PLO?

11:15:15 13 A. I did not come here in order to respond to
11:15:17 14 such kind of questions.

11:15:19 15 Q. Do you refuse to tell me whether you're paid
11:15:22 16 a salary by the PLO?

11:15:26 17 A. I refuse to answer any such question. And
11:15:29 18 this is already a response.

11:15:31 19 Q. Does the PLO pay any of your household
11:15:34 20 expenses besides paying for the rent of the apartment?

11:15:57 21 A. The PLO does not pay me anything except the
11:16:01 22 car and the apartment.

11:16:02 23 Q. So you do not get paid a salary by the PLO?

11:16:11 24 A. I did not say that. You are saying that.

11:16:15 25 Q. Then I must not have understood your answer.

11:16:18 1 The translation was that -- was that the PLO
11:16:27 2 does not pay anything to you other than for your car
11:16:33 3 or your apartment. I'm asking you --

11:16:43 4 A. I answered I didn't come here in -- in order
11:16:46 5 to respond to all these kinds of questions.

11:16:51 6 Q. As I understood your answer, Mr. Malouh,
11:16:58 7 most recently you said the PLO doesn't pay you anything
11:17:03 8 except for your apartment or your car.

11:17:17 9 Is that your testimony today?

11:17:24 10 A. Understand it the way you want. And I don't
11:17:28 11 prevent you on this topic. But I reiterate that I did
11:17:36 12 not come here in order to respond to such kinds of
11:17:40 13 questions.

11:17:42 14 Q. Mr. Malouh, do you have money in your wallet
11:17:50 15 today?

11:17:58 16 A. I have -- I have 220 shekels.

11:18:02 17 Q. Do you have money to pay --

11:18:06 18 A. If you want, I could count them with the
11:18:09 19 lawyer here.

11:18:10 20 Q. Do you have money to buy food during the week
11:18:13 21 for your family?

11:18:23 22 A. My wife works for the Ministry of Social
11:18:26 23 Affairs. She's the person to -- to cover the home
11:18:31 24 expenses.

11:18:32 25 Q. That's a ministry within the PLO or the PA?

11:18:39 1 A. (In English.) PA.

11:18:39 2 Q. I'm sorry?

11:18:40 3 OFFICIAL INTERPRETER BEN-NAIM: He answered

11:18:43 4 before I finished.

11:18:43 5 MR. SCHOEN: Yeah.

11:18:44 6 THE WITNESS: The PNA.

11:18:47 7 Q. BY MR. SCHOEN: (Not translated.) PNA? We'll

11:18:51 8 call -- we'll call it Palestine National Authority.

11:18:55 9 A. (In English.) National --

11:18:56 10 Q. (Not translated.) Pardon?

11:18:56 11 A. (In English.) National Authority or Palestine

11:18:59 12 National Authority.

11:18:59 13 Q. All right. Are we going to use that instead

11:19:01 14 of "PA"? We'll call Palestine National Authority the

11:19:05 15 same as the Palestinian Authority for today?

11:19:10 16 A. (In English.) Yes.

11:19:14 17 (Translated.) Since 1990 -- since 1999, we

11:19:23 18 call it the Palestinian National Authority, PNA. You

11:19:27 19 call it PA.

11:19:28 20 Q. I'm happy to call it whatever you like. I'll

11:19:31 21 use "PNA." But -- but by that, to be clear, I mean the

11:19:38 22 PA that's a defendant in this lawsuit.

11:19:40 23 (Pending question partially translated.)

11:19:41 24 OFFICIAL INTERPRETER BEN-NAIM: Please repeat

11:19:48 25 your last phrase.

11:19:49 1 MR. SCHOEN: Yeah. Sorry.

11:19:50 2 Q. BY MR. SCHOEN: Let's just -- we'll get
11:19:51 3 straight on the same terms.

11:19:55 4 What's sometimes referred to as the
11:19:57 5 "Palestinian Authority" you understand to be the
11:20:05 6 same as what you're calling the "Palestine National
11:20:08 7 Authority"?

11:20:18 8 A. This is how it is in the official documents.

11:20:20 9 Q. Okay. So I'm going to call it "PNA" for
11:20:23 10 today.

11:20:23 11 Does the -- does the PNA pay you a salary
11:20:34 12 of any kind?

11:20:42 13 A. No.

11:20:42 14 Q. All right.

11:20:42 15 A. Why are you concerned about my salary?

11:20:51 16 Q. Mr. Malouh, do you have a bank account?

11:21:02 17 A. Every employee, every person is paid in
11:21:06 18 the bank. That's -- that's why I have to open a bank
11:21:09 19 account.

11:21:11 20 Q. Paid by who, Mr. Malouh?

11:21:21 21 A. Anything is paid through a bank account.
11:21:29 22 Every person, every functionary is paid through the
11:21:35 23 bank. They are not paid by cash.

11:21:38 24 Q. When you're paid, that money goes into a bank
11:21:42 25 account?

11:22:01 1 A. You keep coming back to this account and to
11:22:04 2 the cash and the salary. I tell you every functionary
11:22:09 3 is paid through the bank.

11:22:11 4 Q. I'm asking you just about you, Mr. Malouh,
11:22:12 5 right now.

11:22:18 6 When you're paid money, does that money go
11:22:21 7 into a bank account?

11:22:34 8 A. If you have money to pay me, that -- that's
11:22:39 9 fine. I will immediately give you the bank account.
11:22:44 10 I will open an account and inform you about it.

11:22:48 11 Q. Where do you have your bank account,
11:22:49 12 Mr. Malouh?

11:23:00 13 A. When you decide to deposit funds for my favor,
11:23:04 14 I will go open a bank account and inform you about its
11:23:08 15 number.

11:23:08 16 Q. Do you have a bank account now?

11:23:19 17 A. I tell you: When you decide to donate funds
11:23:22 18 for me, I will go open an account and inform you about
11:23:25 19 the bank account.

11:23:26 20 Q. (Not translated.) Do you refuse to tell me
11:23:28 21 now whether you have a bank account or where that bank
11:23:30 22 account is?

11:23:31 23 Excuse me.

11:23:36 24 A. I don't refuse any question or answer. But
11:23:41 25 if you do not like my answer, that's another matter.

11:23:45 1 Q. Mr. Malouh, do you have a bank account now?

11:24:01 2 A. I already told you that, when you decide to
11:24:03 3 donate funds to me, I will open a bank account.

11:24:14 4 Q. Mr. Malouh, your wife is employed by the PLO?

11:24:20 5 MR. ROCHON: Objection.

11:24:21 6 Counsel, I think you misstated your question.

11:24:28 7 THE WITNESS: What does the relation of my
11:24:29 8 wife with the PLO and my life, how does this connect?
11:24:33 9 What relation there is [sic]?

11:24:35 10 MR. SCHOEN: First of all, I stand corrected.
11:24:36 11 Mr. Rochon, I think what you meant was I said "PLO"
11:24:38 12 and I should have said "PNA"?

11:24:41 13 MR. ROCHON: That's -- the objection was that
11:24:42 14 you misstated the prior testimony. Yes.

11:24:47 15 Q. BY MR. SCHOEN: (Not translated.) Okay.
11:24:47 16 Mr. Malouh, your wife is employed by the PNA?

11:24:56 17 A. I am not ready to answer any question other
11:24:58 18 than what concerns myself.

11:25:00 19 Q. Mr. Malouh, some of the questions you're
11:25:04 20 answering without the translation. The -- for example,
11:25:13 21 the --

11:25:17 22 A. I am sorry. But I don't want the translator
11:25:19 23 to suffer.

11:25:20 24 CHECK INTERPRETER HAZOU: No, no, no. No, no,
11:25:24 25 no. He didn't say that. No.

11:25:26 1 MR. ROCHON: Well, what did he say?

11:25:28 2 CHECK INTERPRETER HAZOU: He said --

11:25:28 3 MR. ROCHON: Wait. Wait.

11:25:28 4 CHECK INTERPRETER HAZOU: I wait -- I wait

11:25:29 5 for the translator, and sometimes he does not answer.

11:25:34 6 THE WITNESS: I wait for the translator, and

11:25:35 7 he does not answer.

11:25:39 8 Q. BY MR. SCHOEN: Okay. Do you need the

11:25:40 9 translator?

11:25:43 10 A. Yes.

11:25:44 11 Q. Okay. Mr. Malouh, are there any other

11:25:53 12 members of the PLF -- PFLP on the Executive Committee --

11:25:56 13 Executive Committee of the PLO?

11:26:12 14 A. Previously, yes.

11:26:13 15 Q. When were there other members of the PFLP on

11:26:15 16 the exec -- PLO Executive Committee?

11:26:38 17 A. There were many members. There was Abu Maher

11:26:39 18 Al-Yamani, Salah Salah, Taysir Qubba'a, Abu Ali Mustafa.

11:26:46 19 Q. And how about today, are there any other

11:26:49 20 members of the PFLP on the PLO Executive Committee

11:26:51 21 today?

11:27:09 22 A. I speak in the name of the PFLP within the

11:27:12 23 PLO.

11:27:14 24 Q. My question is: Are there any other members

11:27:16 25 of the PFLP who are on the PLO Executive Committee?

11:27:51 1 A. My answer is that there may be different
11:27:54 2 positions and different opinions taken by various
11:27:59 3 members within the Executive Committee which is not
11:28:02 4 binding.

11:28:03 5 Q. I -- I -- maybe my question wasn't clear.

11:28:06 6 I'm just asking whether there are other PFLP
11:28:10 7 members who -- let me finish the question, please --
11:28:17 8 who sit on the PLO Executive Committee?

11:29:01 9 A. Officially, there is the official side,
11:29:05 10 and there are positions. It seems that there is an
11:29:08 11 ignorance in the modus operandi of how the Executive
11:29:12 12 Committee functions and there is a lack of accuracy in
11:29:16 13 speaking. There are -- are -- there are people who are
11:29:19 14 official spokespersons and people who take positions.

11:29:23 15 Q. I'm sorry. You spoke before about members
11:29:26 16 of the PLO Executive Committee; correct?

11:29:28 17 (Pending question partially translated.)

11:29:28 18 OFFICIAL INTERPRETER BEN-NAIM: Of?

11:29:32 19 MR. SCHOEN: "Members of the PLO Executive
11:29:33 20 Committee."

11:29:37 21 (Remainder of pending question translated.)

11:29:37 22 Q. BY MR. SCHOEN: These members are
11:29:40 23 representatives of the different factions, you said.

11:29:46 24 Are there any --

11:29:48 25 MR. ROCHON: Objection.

11:29:49 1 MR. SCHOEN: Sorry. Sorry.

11:29:50 2 MR. ROCHON: Counsel, it misstates the
11:29:51 3 testimony. And I don't want to state how because
11:29:55 4 you'll think I'm leading the witness.

11:29:55 5 If you recall, go ahead.

11:29:59 6 Misstating the evidence.

11:30:00 7 Q. BY MR. SCHOEN: Yeah. Okay. You're a member
11:30:02 8 of the PLO Executive Committee; correct?

11:30:12 9 A. Correct.

11:30:12 10 Q. And you're a member of the PLO Executive
11:30:16 11 Committee as a representative of the PFLP; correct?

11:30:29 12 A. Yes. Yes.

11:30:31 13 Q. Okay. Are there any other members of the
11:30:34 14 PLO Executive Committee who are also members of the
11:30:43 15 PFLP?

11:30:54 16 A. I don't know about the popular committee.

11:30:59 17 (Comment in Hebrew by Mr. Spitzen.)

11:31:02 18 THE WITNESS: I am not entitled to speak in
11:31:03 19 the name of any other faction.

11:31:06 20 Q. BY MR. SCHOEN: I'm not asking you to speak --

11:31:09 21 A. We already spoke about this a while ago.

11:31:13 22 Q. I'm not asking you to speak about any other
11:31:17 23 faction.

11:31:19 24 MR. HALLER: There was a mistake in the
11:31:20 25 translation.

11:31:22 1 MR. SCHOEN: I'm told there may have been a
11:31:24 2 mistake in the translation. I don't know if that means
11:31:28 3 my question or the answer.

11:31:30 4 Just wait one second, Mr. Malouh.

11:31:31 5 MR. SPITZEN: There was a mistake in the
11:31:33 6 translation. He said --

11:31:35 7 (Comment in Arabic by Mr. Spitzen.)

11:31:40 8 MR. SPITZEN: There is a mistake in the
11:31:41 9 translation. He said the "popular committee" instead
11:31:45 10 of saying the "Popular Front." So --

11:31:46 11 MR. SCHOEN: Okay. I'm sorry.

11:31:51 12 MR. McALEER: And I'm sorry. For the record
11:31:53 13 again, your name is?

11:31:53 14 MR. SPITZEN: Arie Spitzen.

11:31:56 15 MR. McALEER: Okay. Mr. Spitzen was the
11:31:57 16 person who just spoke. And as previously identified
11:32:01 17 in the deposition, he is a consulting expert of the
11:32:06 18 plaintiffs attending and observing this deposition.

11:32:11 19 Q. BY MR. SCHOEN: Let me ask the question again.

11:32:14 20 Mr. Malouh, to your knowledge, as a member of
11:32:22 21 the PLO Executive Committee, is there -- are there any
11:32:29 22 other members of the PLO Executive Committee who are
11:32:39 23 also members of the PFLP?

11:32:56 24 A. I don't know.

11:32:58 25 Q. You don't know whether there are any other

11:33:00 1 members of the PLO Executive Committee who are also
11:33:03 2 members --

11:33:05 3 (Comment in Arabic by the witness.)

11:33:05 4 Q. BY MR. SCHOEN: Pardon?

11:33:08 5 A. I personally do not know.

11:33:10 6 Q. Okay. While you sit on the PLO Executive
11:33:12 7 Committee, what is your position with the PFLP?

11:33:27 8 MR. McALEER: Objection as to form.

11:33:28 9 MR. ROCHON: Objection as -- as to form.

11:33:30 10 And -- and -- and it's impossible to answer, it's so
11:33:35 11 confusing. So we'd ask you to rephrase it, Counsel.

11:33:41 12 Q. BY MR. SCHOEN: What is your position with
11:33:44 13 the PFLP? Are you a leader of the PFLP?

11:33:49 14 MR. ROCHON: Object -- objection.

11:33:51 15 Counsel, this is the portion of his testimony
11:33:54 16 dealing with his being on the PLO Executive Committee
11:33:56 17 for -- as a -- as a representative -- as a member of the
11:34:00 18 PLO Executive Committee. And that's why I was objecting
11:34:03 19 the last time and to this time.

11:34:04 20 If you're moving to the PFLP portion of your
11:34:06 21 examination, you should so state.

11:34:08 22 MR. SCHOEN: I'm not. I'm asking him in his
11:34:09 23 capacity -- that's why I prefaced the question with
11:34:10 24 that. In his capacity as a member of the PLO Executive
11:34:15 25 Committee, is he aware of whether he holds a leadership

11:34:20 1 position in the PFLP also?

11:34:24 2 MR. ROCHON: When you say "while he's" --
11:34:25 3 that's what my objection is. If you could make your
11:34:32 4 question more clear. Are you saying: Is he acting
11:34:35 5 in both capacities? Are you saying -- your question
11:34:37 6 is so confusing as to not be able to be answered.

11:34:40 7 MR. SCHOEN: Yeah. Let me -- let me --
11:34:40 8 I'll -- this is just directed toward you, Mr. Rochon.

11:34:44 9 In -- in our -- from our perspective, as
11:34:46 10 a member of the PLO Executive Committee, he needs
11:34:51 11 to know and ought to know and may know -- whether
11:34:54 12 he knows or not -- what factions are represented on
11:34:58 13 the PLO Executive Committee and whether any members of
11:35:03 14 his faction, the PFLP, are represented on the Executive
11:35:07 15 Committee. And I mean that solely in his capacity as
11:35:11 16 a member of the Executive Committee.

11:35:16 17 MR. ROCHON: You -- well, I -- I don't want to
11:35:18 18 have this dialogue with the witness here because you'll
11:35:19 19 get concerned. I could ask the witness to step out, if
11:35:22 20 you'd like. Because I think the -- the -- I think, if
11:35:23 21 you clear up the lack of clarity, you might be able to
11:35:27 22 move the examination along.

11:35:28 23 Would you like me to ask him to step out?

11:35:32 24 MR. SCHOEN: In any event, the translator
11:35:32 25 needs a break now. We -- I think we all need to take

11:35:34 1 a break now. So we'll do a bathroom break.

11:35:38 2 How long would you like to break for?

11:35:41 3 THE WITNESS: Okay.

11:35:42 4 MR. ROCHON: How about ten, fifteen minutes?

11:35:43 5 MR. SCHOEN: Fifteen minutes. So what do you

11:35:45 6 have now timewise?

11:35:49 7 MR. ROCHON: 4:34 in Ramallah. No, that's --

11:35:53 8 MR. McALEER: No.

11:35:53 9 MR. ROCHON: -- my -- 11:35.

11:35:54 10 MR. McALEER: 11:35.

11:35:56 11 MR. ROCHON: In Washington, DC, it's 4:34.

11:36:00 12 MR. SCHOEN: So when do you want to call it?

11:36:01 13 When do you want to call it? When do you want to come

11:36:01 14 back?

11:36:03 15 MR. ROCHON: 11:50.

11:36:05 16 MR. SCHOEN: Okay. We're going to turn the

11:36:06 17 mike off. We're going to turn the mike off on this end.

11:36:10 18 MR. ROCHON: The same here.

11:36:12 19 (Recess from 11:36 a.m. to 11:56 a.m.)

11:56:34 20 MR. SCHOEN: Going on the record now.

11:56:35 21 Q. BY MR. SCHOEN: Mr. Malouh, I -- I understand

11:56:36 22 your personal lawyer is not yet in the room; is that

11:56:37 23 correct?

11:56:37 24 MR. ROCHON: No, no. No, no. Mr. Saadi is

11:56:38 25 the person who's not here. We wouldn't have started

11:56:38 1 without his personal lawyer.

11:56:38 2 MR. SCHOEN: Okay.

11:56:38 3 MR. ROCHON: Mr. Saadi represents -- we're --
11:56:38 4 we're ready to go.

11:56:39 5 Q. BY MR. SCHOEN: All right. Mr. Malouh, you
11:56:40 6 understand, when we come back from these breaks, you're
11:56:40 7 still under the oath that you took originally?

11:56:42 8 A. Yes.

11:56:42 9 Q. The court reporter did not get your full name.
11:56:43 10 She didn't understand your full name.

11:56:43 11 Could you please say it again?

11:56:44 12 (Comment in Arabic by the witness.)

11:56:45 13 MR. McALEER: The -- the record should reflect
11:56:46 14 the translator is taking some notes and will translate
11:56:48 15 what was just said.

11:56:49 16 THE WITNESS: My name is Abdel Rahim Mahmoud
11:56:51 17 Ali Abu Malouh, born 23rd of August, 1945.

11:57:07 18 Q. BY MR. SCHOEN: Mr. Malouh, as a member of
11:57:14 19 the PLO Executive Committee, do you have what I'm going
11:57:25 20 to call a portfolio, meaning a job -- specific job to
11:57:32 21 do?

11:57:54 22 (Comment in Arabic by Check Interpreter
11:57:54 23 Hazou.)

11:58:03 24 THE WITNESS: Before 2009 --

11:58:06 25 MR. SCHOEN: One second. Sorry.

11:58:07 1 THE WITNESS: Before 2009, I did not have any
11:58:10 2 portfolio. After the exception of PNC, which was held
11:58:25 3 in 2009, and completing the PLO according to the bylaws,
11:58:34 4 the different tasks were distributed anew.

11:58:42 5 Q. BY MR. SCHOEN: All right. So --

11:58:45 6 A. I became in charge of the Arabic department.

11:58:49 7 Q. That was in 2009?

11:58:55 8 A. After 2009. 2009 there was the exception and
11:59:03 9 meeting of the PNC here in Ramallah.

11:59:07 10 Q. So two thou --

11:59:13 11 A. And this was an exceptional kind of meeting
11:59:17 12 in order to complete my membership also in the Executive
11:59:20 13 Committee.

11:59:21 14 Q. What does the Arabic department do?

11:59:32 15 A. Relations with Arab countries and Arab groups.

11:59:36 16 Q. And that's -- sorry.

11:59:39 17 Before 2009, you had an office at the PLO;
11:59:50 18 correct?

11:59:45 19 A. Yes.

11:59:56 20 Q. What work, if any, did you do in that office
11:59:59 21 before you had a specific portfolio or job?

12:00:15 22 A. I was operating within the political --

12:00:19 23 OFFICIAL INTERPRETER BEN-NAIM: "Domain."

12:00:20 24 THE WITNESS: -- domain.

12:00:22 25 Q. BY MR. SCHOEN: What does that mean? What

12:00:24 1 did you do each day?

12:00:31 2 A. For example, in March 2008, as an example,
12:00:34 3 I went to Syria to -- to participate in the Arab Summit.

12:00:39 4 Q. I see. But before you had a portfolio, what
12:00:45 5 did you use your -- did you go into your office every
12:00:48 6 day?

12:00:57 7 A. Before that, I was in prison.

12:00:59 8 Q. Yeah. So except for the years 2001 to 2007,
12:01:03 9 when you were --

12:01:05 10 MR. HALLER: 2002.

12:01:07 11 MR. SCHOEN: Sorry.

12:01:08 12 Q. BY MR. SCHOEN: I made a mistake. I'm sorry.
12:01:11 13 From the time in 2002 until the time in 2007
12:01:19 14 when you were in prison, during that time period, did
12:01:30 15 you have an office?

12:01:34 16 A. (In English.) No.

12:01:35 17 (Translated.) There were no offices because
12:01:46 18 the PLO offices were in Gaza and I do not go to Gaza.

12:01:50 19 Q. I see. Okay.

12:01:52 20 So when did you start using an office at the
12:01:57 21 PLO?

12:02:18 22 A. Quite recently, when for me and others there
12:02:21 23 was available offices in the PLO building.

12:02:28 24 Q. So during the earlier years we spoke about --

12:02:32 25 CHECK INTERPRETER HAZOU: End -- end -- "end

12:02:33 1 of 2010," he said. "End of 2010."

12:02:36 2 MR. ROCHON: Our -- our check translator said
12:02:38 3 that the witness said: "End of 2010."

12:02:39 4 Is there agreement?

12:02:41 5 CHECK INTERPRETER HAZOU: "Approximately end
12:02:42 6 of 2010." Yes.

12:02:43 7 This is miscommunication. That's all.

12:02:44 8 MR. ROCHON: Is there -- is there agreement
12:02:45 9 on that?

12:02:47 10 OFFICIAL INTERPRETER AGHAZARIAN: Okay.

12:02:48 11 Q. BY MR. SCHOEN: All right. So in the early
12:02:53 12 days, when you first joined the PLO Executive Committee,
12:03:03 13 until you moved into this office that you've spoken
12:03:07 14 about now, did you have an office anyplace?

12:03:52 15 A. In nine -- in 1991, I was in Jordan. And in
12:04:05 16 1993, my membership was frozen. I -- I -- I declined.
12:04:10 17 And, in 1996, I was elected, even during the frozen
12:04:17 18 period, to the Executive Committee. And, in 1999, I
12:04:21 19 did not action [sic]. And in the meanwhile, Arafat
12:04:24 20 was in Tunis. And -- and -- and the -- the following
12:04:29 21 phase was in -- was -- the following phase is the
12:04:35 22 current phase.

12:04:41 23 Q. When you were on the PLO Executive Committee
12:04:44 24 and living in Jordan, did you have an office in Jordan?

12:04:59 25 A. No. I was pursuing my functions like this.

12:05:04 1 Q. I didn't understand what you mean "like this."

12:05:11 2 A. I did not have a private office in Jordan.

12:05:17 3 Q. Did the PLO pay you any money while you were
12:05:21 4 living in Jordan?

12:05:40 5 A. I mentioned that, when I was in Jordan, the
12:05:42 6 PLO provided me with a car. They rented it for me.

12:05:46 7 Q. And a place to live?

12:05:54 8 A. I was moving all the time. I did not settle
12:05:57 9 down yet.

12:05:58 10 Q. Did they pay you any money in a salary?

12:06:12 11 A. Why do you come back and issue -- and -- and
12:06:14 12 to -- for this discussion? I already responded to these
12:06:17 13 questions. Tell me.

12:06:22 14 Q. Did the PLO ever pay you a salary?

12:06:33 15 A. I already answered such questions.

12:06:35 16 Q. Do you refuse to answer that question further?

12:06:43 17 A. I don't refuse. I answered.

12:06:45 18 Q. I'm asking you again.

12:06:47 19 Does the PLO pay you a salary?

12:06:55 20 A. I already said I do not refuse to answer.

12:06:58 21 But I have answered these questions more than once.

12:07:02 22 Q. Does the PLO Executive Committee pay money
12:07:13 23 to each different faction that make up the members of
12:07:22 24 the PLO?

12:07:28 25 A. I don't think so. I don't think so. You can

12:07:40 1 ask all the members and all the factions: Do you take
12:07:43 2 or you don't take?

12:07:44 3 Q. All right. Does the PLO Executive Committee
12:07:47 4 or any other part of the PLO make payments or allotments
12:08:05 5 to the PFLP?

12:08:14 6 A. I don't know.

12:08:17 7 Q. You don't know whether the PLO pays any money
12:08:21 8 to the PFLP?

12:08:32 9 A. I don't know. I don't know.

12:08:41 10 Q. Excuse me one second.

12:08:42 11 (Brief discussion held off the record between
12:08:42 12 Mr. Schoen and Mr. Haller.)

12:08:47 13 Q. BY MR. SCHOEN: Do you know whether the
12:08:51 14 Palestine National Fund -- what's the Palestine National
12:08:53 15 Fund?

12:09:12 16 A. This is a fund that covers the expenses of
12:09:15 17 the embassies and of the different functions. And
12:09:19 18 this is not in the occupied territories, its location.

12:09:24 19 Q. Do you know whether the Palestine National
12:09:25 20 Fund or any other unit of the PLO or the PNA makes --

12:09:32 21 (Pending question partially translated.)

12:09:37 22 OFFICIAL INTERPRETER BEN-NAIM: Please repeat.

12:09:38 23 Q. BY MR. SCHOEN: Do you know whether the
12:09:39 24 Pale -- Palestine National Fund or any other unit of
12:09:48 25 the PLO or the PNA makes -- makes allotments or gives

12:10:01 1 payments to the PFLP or any other faction because its
12:10:09 2 a faction?

12:10:23 3 A. I don't know anything regarding this.

12:10:25 4 Q. Do you know whether the bylaws of the PLO or
12:10:27 5 the PNA gives -- provides for any payments to factions?

12:10:55 6 A. This issue you may discuss with -- with the --
12:10:58 7 with the relevant parties, not with me personally.

12:11:01 8 Q. Do you know -- as a member of the PLO
12:11:04 9 Executive Committee, do you know if the PFLP has
12:11:16 10 the right to receive money from the PLO or the PNA?

12:11:36 11 A. It has the right. But I have no idea whether
12:11:38 12 this right is applied or not applied.

12:11:41 13 Q. Where does that right come from?

12:11:59 14 A. The right that this is the funds of the
12:12:01 15 Palestinian people and it should be distributed equally
12:12:04 16 among all members of the Palestinian people.

12:12:08 17 Q. Do you know whether the PLO, which you serve
12:12:15 18 on its Executive Committee, or the PNA, has any duty or
12:12:28 19 obligation to pay money to the different factions that
12:12:34 20 are its members?

12:12:41 21 MR. McALEER: Objection as to form.

12:12:49 22 MR. ROCHON: I'm directing the witness to
12:12:51 23 answer.

12:13:01 24 THE WITNESS: I believe that the PNA is an
12:13:03 25 arm of the PLO. The P -- the PLO should -- should

12:13:22 1 convene in order to discuss the different components
12:13:25 2 of the Palestinian people and orientations. Within
12:13:34 3 the Executive Committee of the PLO, this matter has
12:13:37 4 not been discussed.

12:13:43 5 Q. BY MR. SCHOEN: Are you aware of whether the
12:13:49 6 PLO or PNA bylaws or charter --

12:14:00 7 (Pending question partially translated.)

12:14:00 8 OFFICIAL INTERPRETER BEN-NAIM: Again?

12:14:02 9 MR. SCHOEN: "Bylaws or charter."

12:14:08 10 OFFICIAL INTERPRETER BEN-NAIM: No, no. The
12:14:08 11 whole question.

12:14:09 12 Q. BY MR. SCHOEN: Okay. Are you -- do you know
12:14:10 13 whether any bylaws or charter or any other requirement
12:14:19 14 exists within the PLO or PA that provides for payments
12:14:39 15 to be made to the PFLP or any other faction? That's it.

12:14:58 16 A. There is nothing written related to this.

12:15:02 17 Q. All right. Is there a practice or a system
12:15:12 18 within the PLO or the PNA to pay money to its different
12:15:24 19 factions? For example --

12:15:33 20 A. Practically, I do not know.

12:15:35 21 Q. You don't know, as a member of the Executive
12:15:36 22 Committee, whether the PFLP is paid money by the PLO
12:15:50 23 or PNA?

12:16:00 24 A. From the two positions, I do not know what --
12:16:02 25 there is practically -- there is nothing written in

12:16:08 1 order to pay the PFLP or other factions.

12:16:10 2 Q. Yes, I'm not asking you now about written.

12:16:12 3 I'm asking you whether you know payments are made?

12:16:29 4 A. No.

12:16:29 5 Q. You don't know or --

12:16:31 6 CHECK INTERPRETER HAZOU: "I don't know."

12:16:34 7 "I don't know."

12:16:35 8 THE WITNESS: I don't know.

12:16:36 9 Q. BY MR. SCHOEN: Okay. Are you aware of a
12:16:37 10 system that provides for payments of money by the PLO
12:16:47 11 or PNA to factions based on some factor like how many
12:17:03 12 members?

12:17:10 13 In other words, that the PLO or PNA pay so
12:17:21 14 much to Fatah, so much to PFLP, and so much to each
12:17:36 15 faction?

12:17:55 16 A. I do not know. But I know that these factions
12:17:58 17 work for the Palestinian people. And they could -- it
12:18:01 18 could be paid from here or from there.

12:18:12 19 Why does the person asking questions insist
12:18:17 20 so much for the separation between the PLO and the PNA?
12:18:24 21 I am a member of the Executive Committee. The PNA is
12:18:29 22 a part of the PLO. It's an offshoot.

12:18:40 23 Q. Maybe I wasn't clear. I didn't mean to
12:18:43 24 suggest a separation. I just wanted to ask you about
12:18:49 25 both of them in case you knew about either one making

12:18:54 1 payment.

12:19:02 2 Are you aware of any request on behalf of
12:19:09 3 the PFLP for the PLO to pay money to the PFLP for any
12:19:18 4 purpose?

12:19:40 5 A. I already answered this question more than
12:19:43 6 once. All the people have the right to have access
12:19:51 7 to such funds. But, in reality, I do not know.

12:19:54 8 Q. Yeah. I understand about the right.

12:19:55 9 I'm asking you: In all of the time that
12:20:03 10 you have served on the PLO Executive Committee, are
12:20:13 11 you aware of any request being made by or on behalf
12:20:22 12 of the PFLP for the PLO or PNA to pay to or for the
12:20:43 13 benefit of the PFLP?

12:20:49 14 MR. McALEER: Objection as to form.

12:20:52 15 THE WITNESS: I already answered this
12:20:54 16 question.

12:20:55 17 Q. BY MR. SCHOEN: I'm asking it again, then.

12:20:57 18 Are you aware of any request?

12:21:08 19 A. I say I already responded to this question
12:21:10 20 more than once.

12:21:11 21 Q. What was the response?

12:21:12 22 (Comment in Arabic by the witness.)

12:21:12 23 (Pending question re-translated.)

12:21:22 24 Q. BY MR. SCHOEN: What was your earlier --
12:21:22 25 what -- what was your earlier response to that question

12:21:25 1 whether any requests --

12:21:31 2 A. It is recorded on your side, and you can
12:21:35 3 listen to it once again.

12:21:36 4 Q. Okay. Mr. Malouh, "yes" or "no," do you know
12:21:42 5 of any request ever made by or on behalf of the PFLP
12:21:56 6 to the PL -- PLO or PNA for the payment of any money
12:22:09 7 to the PFLP or for the benefit of the PFLP?

12:22:25 8 A. I already answered this question. The PFLP
12:22:28 9 is a founding member of the PLO, and it is part of it.

12:22:33 10 Q. And it has the right to receive money from
12:22:36 11 the PLO?

12:22:44 12 A. It has the right. But whether it has -- you
12:22:48 13 took this right or not, that's another matter.

12:22:50 14 Q. Are you aware, as a member of the PLO
12:22:53 15 Executive Committee, if the PFLP ever took that right?

12:23:10 16 A. I don't know.

12:23:13 17 Q. Mr. Malouh, have you ever -- Mr. Malouh, who
12:23:20 18 in the PLO, if anyone, would know whether any request
12:23:31 19 was made by or on behalf of the PFLP or whether any
12:23:45 20 money was paid by the P -- by the PLO or -- or PNA to
12:23:58 21 or for the benefit of --

12:24:02 22 (Comment in Arabic by the witness.)

12:24:02 23 Q. BY MR. SCHOEN: Let me fin -- let me finish
12:24:04 24 my question, please. Let me --

12:24:05 25 A. I am not ready to answer such questions.

12:24:11 1 Q. -- to or for the benefit of the PFLP?

12:24:25 2 A. I say I'm not ready to respond to this issue
12:24:27 3 for two reasons. The first, because this is a political
12:24:32 4 question. And I think I'm not here to discuss this
12:24:40 5 matter about different political opinions. The second
12:24:45 6 is I should not be speaking on behalf of others.

12:24:52 7 Q. I hope my question wasn't [sic] clear. I'm
12:24:55 8 not asking any political questions.

12:25:07 9 I'm asking you simply if you know who in the
12:25:14 10 PLO or PA -- PNA would know whether a request was made
12:25:29 11 or payment was made -- request from the PFLP or payment
12:25:41 12 made to or for the benefit of the PFLP?

12:25:55 13 A. I do not have a response to this question.
12:25:57 14 And you can ask those who are concerned on this issue.

12:26:02 15 Q. Is your answer that you don't know?

12:26:11 16 A. I do not know. From the outset, I told you
12:26:15 17 that I'm not ready to respond to something that I do
12:26:21 18 not know about.

12:26:22 19 Q. Who would the people -- you referred to "the
12:26:23 20 people concerned."

12:26:29 21 Who are those people that I should speak to
12:26:31 22 to get an answer?

12:26:41 23 A. You -- you -- you spoke a while ago about
12:26:43 24 the PLO, the PNA, the Palestinian [sic] National Fund.
12:26:47 25 So -- so you know -- I mean, you are the one who knows.

12:26:52 1 Whoever you want to address this question, you can
12:27:00 2 address it to them.

12:27:01 3 Q. As a member of the PLO Executive Committee,
12:27:07 4 do you believe that you owe any duties to the PLO?

12:27:24 5 A. Of course there are duties. What do you
12:27:28 6 expect?

12:27:29 7 Q. What -- what sort of duties do you owe to
12:27:31 8 the PLO?

12:27:48 9 A. First of all, there is a -- a platform for
12:27:51 10 the PLO. And I'm concerned with this program, which
12:27:59 11 is self-determination and a state with Jerusalem as
12:28:04 12 its -- its capital and the right of return.

12:28:06 13 Q. So you -- sorry.

12:28:13 14 A. There is a program. But the PLO recognizes
12:28:16 15 the international conventions and stipulations on that
12:28:20 16 basis. I work within such a framework.

12:28:29 17 Q. Are you in -- are you involved in developing
12:28:32 18 the platform of the PLO?

12:28:34 19 (Pending question partially translated.)

12:28:34 20 OFFICIAL INTERPRETER BEN-NAIM: "Developing
12:28:42 21 the program of"?

12:28:43 22 MR. SCHOEN: "The platform of the PLO."

12:28:45 23 (Remainder of pending question translated.)

12:28:45 24 THE WITNESS: I believe in the -- in the
12:28:47 25 platform as is.

12:28:49 1 Q. BY MR. SCHOEN: In the PLO's platform as is?

12:28:59 2 A. Yes. I believe in the PLO platform as is.

12:29:04 3 Q. In your position as a member of the PLO

12:29:07 4 Executive Committee, have you ever felt or believed that
12:29:20 5 there was a conflict between the platform or philosophy
12:29:28 6 of the PLO and the platform or philosophy of the PFLP?

12:29:46 7 MR. McALEER: Objection as to form. Lack of
12:29:47 8 foundation. Calls for an improper opinion and is vague.
12:29:52 9 And lack of foundation.

12:30:00 10 THE WITNESS: At first, I tell you I believe
12:30:02 11 in the platform as is. The PLO is a social/political
12:30:10 12 formation. It has all factions, Marxists and moderates
12:30:17 13 and all parties. And these parties have opinions. For
12:30:25 14 instance, over the Oslo Accords, there was different
12:30:28 15 opinions.

12:30:29 16 Q. BY MR. SCHOEN: But you under --

12:30:36 17 A. This is why we say we believe in the platform
12:30:40 18 as is. But about the amendments, there are different
12:30:47 19 controversial positions.

12:30:49 20 Q. Can you tell me what those different
12:30:52 21 controversial positions are and what amendments you're
12:31:00 22 referring to?

12:31:24 23 A. I tell you we believe in the platform as is,
12:31:26 24 the right of self-determination, a state with Jerusalem
12:31:31 25 as the capital, the right of return, and international

12:31:35 1 legitimacy. Other than that, we are not concerned.

12:31:38 2 Q. I understood you said there were some
12:31:41 3 controversies about some amendments?

12:31:51 4 MR. McALEER: Objection. Misstates testimony.

12:31:53 5 THE WITNESS: We clearly state that the PLO
12:32:05 6 is a social formation.

12:32:08 7 MR. SCHOEN: Is a what?

12:32:08 8 OFFICIAL INTERPRETER AGHAZARIAN: "Social
12:32:09 9 formation."

12:32:17 10 THE WITNESS: This social formation has --
12:32:20 11 has different social combinations, factions. It has
12:32:25 12 Islamist trends or otherwise. So these factions have
12:32:31 13 different positions. You have nationalists. You
12:32:33 14 have Islamists. You have Marxists. And there is
12:32:37 15 the Palestinian national position. And each group
12:32:44 16 has its opinions, but they all -- they all meet under
12:32:51 17 the umbrella of something called "PLO."

12:32:56 18 Q. BY MR. SCHOEN: So the PLO accepts all --
12:32:57 19 accepts all of its factions and supports each --

12:33:07 20 A. Yes.

12:33:07 21 Q. -- and supports the right of each faction
12:33:12 22 to have a difference in position?

12:33:22 23 A. There are positions where there is consensus,
12:33:25 24 and there are positions -- there are positions when
12:33:29 25 there is -- when there is controversy.

12:33:33 1 Q. But all of the factions are members of the
12:33:35 2 PLO anyway?

12:33:45 3 A. Yes.

12:33:45 4 Q. Each faction has the same right --

12:33:54 5 A. The basic law of the PLO says every
12:33:57 6 Palestinian is a member in the PLO, every Palestinian.

12:34:03 7 Q. And each faction has the same rights as every
12:34:06 8 other faction of the PLO?

12:34:21 9 A. All factions are equal, but at the level
12:34:24 10 of their presence and support within the Palestinian
12:34:29 11 people.

12:34:30 12 Q. Can you name for me all of the factions of
12:34:35 13 the PLO that -- that --

12:34:40 14 A. I already answered this question.

12:34:42 15 Q. Can you -- would you please name for me the
12:34:45 16 factions of the PLO that you can think of -- that you
12:34:55 17 can think of or are aware of?

12:35:02 18 A. I already answered this question more than
12:35:05 19 once. I don't men -- I won't mention any name which
12:35:10 20 is not existing on this table.

12:35:15 21 Q. Is the DFLP a faction of the PLO?

12:35:22 22 A. You already asked the same question.

12:35:25 23 Q. Mr. Malouh, does the Executive Committee of
12:35:32 24 the PLO ever meet as a whole group?

12:35:55 25 A. The PLO convenes based on the Israeli consent

12:36:02 1 or re -- rejection whether they could come or not.

12:36:06 2 Q. When was the last time there was a meeting
12:36:08 3 of the PLO Executive Committee?

12:36:16 4 A. A few days ago.

12:36:18 5 Q. Where did they meet?

12:36:25 6 A. The meeting -- the meeting was held here in
12:36:28 7 Ramallah.

12:36:29 8 Q. And what was the purpose for that meeting?

12:36:34 9 MR. ROCHON: Objection. Objection.

12:36:36 10 (Comment in Arabic by the witness.)

12:36:36 11 MR. ROCHON: Objection.

12:36:39 12 THE WITNESS: (In English.) Okay.

12:36:39 13 MR. ROCHON: As it goes to the current
12:36:42 14 political decisions of my client, we're not going to
12:36:45 15 discuss the current legislative or political actions
12:36:48 16 of my client in a case that relates to 2002.

12:36:51 17 MR. SCHOEN: Mr. Rochon, can I ask whether
12:36:54 18 there's a specific basis for that objection under the
12:36:57 19 Federal rules that you're aware of?

12:36:59 20 MR. ROCHON: You can't bring in a governmental
12:37:02 21 representative, somebody who's on the -- the committee
12:37:05 22 of the PLO in a case from 2002 and start saying, "What
12:37:10 23 did you talk about two days ago in the Executive
12:37:12 24 Committee of the PLO?" and expect to get answers.

12:37:17 25 This is a governmental function. And --

12:37:18 1 and whether it's a Federal rule or not, you can't just
12:37:21 2 inquire about governmental functions. We're here about
12:37:24 3 a specific case.

12:37:25 4 We've -- we've obviously gone a long period
12:37:26 5 of time, and you still haven't gotten to anything to
12:37:29 6 do with this case. This is so far afield that this
12:37:32 7 witness should not answer the question. And it goes
12:37:34 8 to political issues that aren't part of this case,
12:37:38 9 current political issues.

12:37:39 10 MR. SCHOEN: I -- I disagree with your
12:37:39 11 characterization of the questions that I've asked so
12:37:43 12 far. What -- it is inappropriate to make a speech on
12:37:47 13 that subject.

12:37:48 14 I asked you simply whether there's a Federal
12:37:49 15 rule that you're relying on. And are you instructing
12:37:51 16 the witness not to answer? And please state the basis
12:37:54 17 for the instruction to the witness not to answer.

12:37:57 18 MR. ROCHON: I'm instructing the witness not
12:37:58 19 to answer as to what transpired at the committee meeting
12:38:02 20 of two days ago.

12:38:04 21 MR. McALEER: And -- and let me also note for
12:38:06 22 the record that the order of the Court dated July 30,
12:38:10 23 2012, docket entry 162, limits the scope of this part
12:38:15 24 of the deposition to relevant knowledge and actions that
12:38:19 25 Mr. Malouh may have as a member of the PLO Executive

12:38:23 1 Committee. And so by that standard, your question and
12:38:27 2 the information it seeks is not appropriate under the
12:38:30 3 Court's order and as well as any other applicable bases.

12:38:35 4 MR. SCHOEN: I disagree completely. It's
12:38:37 5 certainly relevant whether the PLO Executive Committee
12:38:39 6 discusses payments to factions or other business or its
12:38:43 7 approval of various factions. And I don't think there's
12:38:47 8 any basis under the Federal rules for direction not to
12:38:51 9 answer.

12:38:51 10 MR. ROCHON: I -- I understand your point.
12:38:53 11 And if you'd ask a question about payments to factions,
12:38:57 12 I haven't objected yet, have I?

12:38:58 13 Your question was: What did they talk
12:39:00 14 about two days ago? That could have related to peace
12:39:04 15 negotiations. That could have related to the situation
12:39:07 16 with the settlements. That could have related to
12:39:09 17 sensitive political issues. And the witness is not
12:39:11 18 going to answer those questions.

12:39:11 19 Now, if you want to ask about payments to the
12:39:14 20 factions, which you've been doing, I haven't objected
12:39:16 21 once. I'm instructing the witness not to answer the
12:39:17 22 question as phrased. If you rephrase it, I may not
12:39:22 23 instruct him.

12:39:23 24 Q. BY MR. SCHOEN: In any meeting that you're
12:39:24 25 aware of, Mr. Malouh, of the PLO Executive Committee,

12:39:27 1 are you aware of any discussion about pay -- payments
12:39:50 2 or the request for payments concerning any factions?

12:40:11 3 A. The meetings of the Executive Committee is
12:40:14 4 issued on a regular basis by the convenor, the secretary
12:40:20 5 general of the committee. And those who accept or
12:40:29 6 reject this statement, I'm not responsible for it.

12:40:36 7 And in such meetings of the Executive Committee, fund --
12:40:38 8 money issues are not discussed.

12:40:44 9 Q. So money issues are not discussed in any
12:40:46 10 meetings of the PLO Executive Committee?

12:40:58 11 A. Maybe this is discussed within the Israeli
12:41:00 12 government proceedings.

12:41:02 13 Q. As a member of the Executive Committee of
12:41:07 14 the PLO, have you ever been asked to approve the payment
12:41:16 15 of any money by --

12:41:27 16 A. I already mentioned that this -- these issues
12:41:29 17 are not discussed.

12:41:31 18 Q. No, I'm not asking in the meeting.

12:41:33 19 I'm asking whether you are ever asked to
12:41:41 20 approve the payment -- the payment of any money --

12:41:57 21 A. I say that these issues are not discussed.

12:42:04 22 Q. I don't understand the answer.

12:42:13 23 A. I say these issues are not discussed, not
12:42:17 24 inside and not outside.

12:42:20 25 Q. Have you, as a member of the PLO Executive

12:42:22 1 Committee, ever requested the payment of any money
12:42:33 2 to the PFLP or any other faction?

12:42:43 3 A. I already responded to this question.

12:42:45 4 Q. Respond to it again, please.

12:42:54 5 A. You have it recorded, and you can go on and
12:42:56 6 read it.

12:42:57 7 Q. Mr. Malouh, have you, as a member of the PLO
12:43:01 8 Executive Committee, ever requested that the PLO or PNA
12:43:18 9 pay any money to the PFLP or PNA -- I'm sorry -- to the
12:43:27 10 PFLP or any faction?

12:43:46 11 A. I already responded to this question.

12:43:49 12 Q. As a member of the PLO Executive Committee --
12:43:52 13 you described yourself as the PFLP representative on
12:44:00 14 the PLO Executive Committee; correct?

12:44:13 15 Correct?

12:44:14 16 (Comment in Arabic by the witness.)

12:44:17 17 Q. BY MR. SCHOEN: Pardon?

12:44:21 18 A. Yes. And I already answered.

12:44:24 19 Q. And in your position, then, as the PFLP
12:44:28 20 representative on the PLO Executive Committee, have
12:44:44 21 you ever made any requests on behalf of this group
12:44:50 22 that you represent on the PLO Executive Committee?

12:45:00 23 A. To make an application for what?

12:45:02 24 Q. Anything. Have you ever asked for anything
12:45:05 25 on behalf of the PFLP?

12:45:14 1 A. There is an agenda. We put the agenda, and
12:45:18 2 we discuss it through the agenda.

12:45:20 3 Q. (Not translated.) Whose agenda? Do you
12:45:22 4 discuss, as a member of the PLO Executive -- let me
12:45:29 5 finish my question, please.

12:45:29 6 MR. SCHOEN: Tell him.

12:45:30 7 (Comment in Arabic by the witness.)

12:45:30 8 (Pending question partially translated.)

12:45:30 9 OFFICIAL INTERPRETER BEN-NAIM: Restart.

12:45:33 10 Q. BY MR. SCHOEN: As a member of the PLO
12:45:34 11 Executive Committee, do you, among other things perhaps,
12:45:39 12 discuss the agenda of the PFLP?

12:45:56 13 A. We could present or not.

12:45:58 14 How does this relate to what we are up to?

12:46:01 15 Q. I'm asking you whether you ever have, not
12:46:04 16 whether you could or could not.

12:46:13 17 A. Personally, I have not presented anything.

12:46:15 18 Q. (Not translated.) Oh. So you have never
12:46:17 19 requested or advocate -- requested or advocated for any
12:46:27 20 position of the PFLP as a member of the PLO Executive
12:46:30 21 Committee?

12:46:33 22 MR. ROCHON: Objection. Asked and answered.

12:46:33 23 OFFICIAL INTERPRETER BEN-NAIM: Sorry. I
12:46:33 24 didn't get it.

12:46:35 25 MR. SCHOEN: The translator didn't ask him

12:46:38 1 yet. As --

12:46:38 2 MR. ROCHON: Oh.

12:46:38 3 MR. SCHOEN: As a --

12:46:38 4 MR. ROCHON: I know. But I objected.

12:46:42 5 MR. SCHOEN: Pardon?

12:46:43 6 MR. ROCHON: I objected as -- I said:

12:46:44 7 Objection. Asked and answered. I wasn't waiting for
12:46:47 8 the translator. But I don't mind if the translator
12:46:48 9 put --

12:46:50 10 MR. SCHOEN: Are you -- you said he can answer
12:46:50 11 it. But he doesn't have a question before him.

12:46:52 12 MR. ROCHON: All right.

12:46:56 13 Q. BY MR. SCHOEN: In any event, as a -- is it
12:46:58 14 your testimony that, as a member of the PLO Executive
12:47:06 15 Committee, you have never requested anything from the
12:47:17 16 PLO or PNA for the benefit of the PFLP?

12:47:41 17 A. I testified that the questions are targeting
12:47:44 18 something other than the questions.

12:47:48 19 Q. Can you answer my question, please?

12:47:57 20 A. Related to that, I tell you goodbye. The
12:48:05 21 redundancy of the question does not solve the problem.

12:48:09 22 Q. The redundancy of the question, if there
12:48:11 23 is one, hasn't gotten an answer. I'm asking you that
12:48:17 24 question again.

12:48:21 25 A. I gave you before -- many questions, I gave

12:48:24 1 the same answer for the various questions.

12:48:28 2 Q. Mr. Malouh, in -- in your mind, did you answer
12:48:32 3 my question about whether you're paid a salary by the
12:48:37 4 PLO?

12:48:37 5 (Pending question partially translated.)

12:48:37 6 OFFICIAL INTERPRETER BEN-NAIM: "Salary"?
12:48:45 7 Again?

12:48:46 8 MR. SCHOEN: "A salary by the PLO."

12:48:49 9 (Remainder of pending question translated.)

12:48:54 10 MR. ROCHON: Objection to form.

12:48:55 11 You may answer.

12:49:11 12 Q. BY MR. SCHOEN: I can't hear your answer,
12:49:12 13 Mr. Malouh.

12:49:13 14 Are you refusing to answer, Mr. Malouh?

12:49:34 15 A. I already answered that I do not refuse to
12:49:40 16 respond to any question. And I don't want to respond
12:49:43 17 to any redundant question.

12:49:48 18 Q. I'm looking here for a "yes" or "no."

12:49:52 19 "Yes" or "no," are you or have you ever been
12:49:56 20 paid a salary by the PLO? "Yes" or "no"?

12:50:07 21 A. No one specifies to me "yes" or "no."

12:50:09 22 Q. I just did. And I'm asking you for a "yes"
12:50:11 23 or "no" question [sic].

12:50:16 24 A. I answered this question a while ago more
12:50:21 25 than once.

12:50:22 1 Q. Did you answer "yes" or "no"?

12:50:24 2 Can you answer that one "yes" or "no"?

12:50:36 3 A. No one decides for me "yes" or "no."

12:50:38 4 Q. I'm not looking to decide. I'm asking you
12:50:41 5 for a "yes" or "no" answer to a question that can get
12:50:44 6 a "yes" or "no" answer.

12:50:58 7 A. I will not answer this question with a "yes"
12:51:00 8 or a "no."

12:51:02 9 Q. Is that because you're a member of the PLO
12:51:06 10 Executive Committee that no one asks you to give a
12:51:10 11 "yes" or "no" answer?

12:51:20 12 A. I am here in my capacity as a member of the
12:51:23 13 Executive Committee. And I came with my personal will
12:51:30 14 to respond to the questions. But these questions are
12:51:33 15 irrelevant.

12:51:34 16 Q. As a member of the PLO Executive Committee
12:51:40 17 that you're here to represent, do you -- do you know
12:51:47 18 whether salaries are paid to any faction members by
12:51:55 19 the PLO or PNA?

12:52:00 20 A. I do not represent here neither the Executive
12:52:04 21 Committee, nor the PLO. And this question is answered
12:52:09 22 redundantly. And the responses -- and you should cease
12:52:14 23 raising such questions.

12:52:18 24 Q. Mr. Malouh, you're here as a member of the
12:52:20 25 PLO Executive Committee?

12:52:27 1 A. I already answered this question.

12:52:29 2 Q. Yeah. Do you understand, as a member of the
12:52:32 3 PLO Executive Committee, that you have any duty to the
12:52:39 4 PLO regarding how the PLO's money is spent?

12:53:08 5 A. I say I am a member of the Executive Committee
12:53:12 6 of the PLO, but I do not represent it here.

12:53:14 7 Q. I understood that.

12:53:16 8 I'm asking you: As a member of it -- as
12:53:18 9 a member of it, do you believe you have a duty to the
12:53:27 10 PLO with respect to how the PLO spends its money?

12:53:50 11 A. You can ask this question to the president
12:53:53 12 and the -- the secretary general of the Palestinian
12:53:58 13 National Fund.

12:53:59 14 Q. I'm asking you, as a committee member, what
12:54:04 15 you un -- what you understand your duties to be?

12:54:19 16 A. I am not here to respond to questions which
12:54:22 17 are irrelevant. Otherwise, every party can answer for
12:54:27 18 its own.

12:54:31 19 Q. Mr. Malouh, you mentioned before that you were
12:54:36 20 in jail from this period some -- sometime in 2002 to
12:54:43 21 2007; correct?

12:54:50 22 A. Yes.

12:54:51 23 Q. Did you understand, during that period, you
12:54:56 24 still were a member of the PLO Executive Committee?

12:55:12 25 A. The membership of the Executive Committee

12:55:18 1 remains until the -- the -- the further convening of
12:55:21 2 the PN -- PNC unless you -- you commit other acts that
12:55:28 3 are in -- and I think that the Executive Committee
12:55:38 4 should reward me for being imprisoned by the Israelis.

12:55:44 5 Q. The Executive Committee should reward you for
12:55:47 6 being in prison?

12:55:53 7 A. Yes.

12:55:54 8 Q. What were you --

12:55:55 9 (Comment in Arabic by the witness.)

12:55:55 10 Q. BY MR. SCHOEN: What were you in prison --

12:55:56 11 A. Yes. Yes.

12:55:57 12 Q. -- for?

12:55:59 13 A. They must reward me.

12:56:02 14 Q. What were you in prison for?

12:56:03 15 MR. ROCHON: Objection. This is not within
12:56:07 16 the scope of the first part of your examination. The
12:56:10 17 first part of your examination deals with the status
12:56:12 18 of the PLO Executive Committee. And I don't believe
12:56:16 19 there's any reason to believe that the reason for
12:56:19 20 incarceration related to that.

12:56:20 21 MR. SCHOEN: He just said that the Executive
12:56:22 22 Committee should reward him for being in prison. So
12:56:25 23 this is clearly, then, something that's of interest
12:56:28 24 to the Executive Committee according to Mr. Malouh.

12:56:31 25 MR. ROCHON: If you want to ask him why he

12:56:33 1 thinks that, I have no objection. But the reason for
12:56:34 2 him being in prison is not by virtue of being in the
12:56:37 3 Executive Committee.

12:56:38 4 MR. SCHOEN: That would determine whether the
12:56:39 5 Executive Committee's interest is based on the nature
12:56:42 6 of his crime or not and what their interests are, how
12:56:47 7 they view what he's arrested for. If he -- they should
12:56:51 8 reward him -- go ahead.

12:56:52 9 MR. ROCHON: If you're talking about resolving
12:56:52 10 this, sooner or later you could get to this question.
12:56:55 11 I'm noting that I think it's not part of this first
12:56:59 12 part. You think it is. We can resolve that some other
12:57:02 13 time. If you want to go ahead and have him answer that
12:57:02 14 now, I'd preserve the objection.

12:57:06 15 MR. SCHOEN: All right. Let him answer it
12:57:09 16 now then, please, and you can preserve the objection.

12:57:10 17 MR. ROCHON: Sure. If the witness recalls
12:57:13 18 the question, that's fine with me for him to answer it.

12:57:13 19 As I recall the question, it was: What was
12:57:15 20 he in prison for?

12:57:16 21 MR. SCHOEN: Yes.

12:57:19 22 Go ahead, Translator.

12:57:21 23 (Pending question re-translated.)

12:57:34 24 THE WITNESS: I already mentioned my belonging
12:57:38 25 to an illegal -- illegal organization and -- and -- and

12:57:43 1 being a leader of an illegal faction.

12:57:48 2 Q. BY MR. SCHOEN: You --

12:57:54 3 A. And in year 2002, in Petach Tikva where you
12:57:58 4 are sitting right now, there is a difference, a judge
12:58:10 5 told me, between a -- a dead who is dead and before
12:58:17 6 having the certificate of death.

12:58:18 7 So the agreements with the Palestinians,
12:58:26 8 is it a dead body, which is in the refrigerator? He
12:58:29 9 said: Understand it the way you understand. You can
12:58:41 10 understand whatever you want. And he gave an order
12:58:45 11 to take me off --

12:58:45 12 MR. SCHOEN: I'm sorry. The translator was --

12:58:53 13 CHECK INTERPRETER HAZOU: No, no, no, no. He
12:58:53 14 asked the --

12:58:59 15 THE WITNESS: He gave orders to the Israeli
12:59:04 16 soldiers to get me out of the --

12:59:06 17 CHECK INTERPRETER HAZOU: No, no.

12:59:07 18 THE WITNESS: -- of the solitary confinement.

12:59:11 19 CHECK INTERPRETER HAZOU: No, no, no.

12:59:11 20 OFFICIAL INTERPRETER BEN-NAIM: "To the
12:59:11 21 solitary confinement."

12:59:12 22 OFFICIAL INTERPRETER AGHAZARIAN: "To the
12:59:12 23 solitary confinement."

12:59:15 24 CHECK INTERPRETER HAZOU: "To prison." "He
12:59:15 25 asked the Israeli soldiers to take me to the cell where

12:59:21 1 he will be incarcerated." [sic]

12:59:24 2 MR. McALEER: Let me just be clear.

12:59:26 3 Does the official translator accept the
12:59:28 4 translation that was just offered by the check
12:59:31 5 translator in Ramallah?

12:59:34 6 OFFICIAL INTERPRETER AGHAZARIAN: Yes, I do.
12:59:34 7 There was some disturbance in the voice.

12:59:37 8 MR. McALEER: Yes. I -- I -- I agree. If
12:59:39 9 we could make sure that the witness and translators
12:59:43 10 are not talking at the same time, that would be great.
12:59:46 11 But the record reflects that the official translator
12:59:50 12 accepted the check translator's proposed translation.

13:00:00 13 THE WITNESS: Here they ask for an opportunity
13:00:02 14 to take a rest. There is another question of: How long
13:00:13 15 shall we proceed in this timewise?

13:00:17 16 Q. BY MR. SCHOEN: You mean this deposition?

13:00:24 17 A. Yes.

13:00:24 18 Q. We'll have to see.

13:00:28 19 Do you want a break now?

13:00:33 20 A. (In English.) Yes. They -- they ask me to
13:00:35 21 make a break now, about -- about 15 minutes.

13:00:37 22 Q. Okay. I mean, do you need a lunch break,
13:00:39 23 something longer than that?

13:00:49 24 A. (In English.) I don't know. But -- but we
13:00:51 25 want -- or they want --

13:00:52 1 Q. (Not translated.) Let me -- let me just
13:00:54 2 ask --

13:00:54 3 (Comment in Arabic by the witness.)

13:00:54 4 Q. BY MR. SCHOEN: All right. Let me -- let me
13:00:54 5 just ask -- I'll ask -- let me ask one more question,
13:00:58 6 and then we'll -- you'll tell me -- you'll tell me what
13:01:00 7 you want to do for a break after that.

13:01:06 8 Mr. Malouh, in connection with this arrest,
13:01:08 9 it's true, sir -- it's true, sir, that your defense
13:01:16 10 was that the -- the arrest and putting you in jail was
13:01:24 11 illegal because you were a member of the PLO Executive
13:01:32 12 Committee; correct?

13:01:39 13 MR. ROCHON: Wait. Wait. Objection. Calls
13:01:40 14 for a legal conclusion. But the witness can answer the
13:01:44 15 question.

13:01:45 16 Q. BY MR. SCHOEN: Let -- let me -- let me clear
13:01:48 17 it up, then, since you've objected.

13:01:51 18 I'm not asking you whether such a defense
13:01:54 19 actually applied or you believe that it applied.

13:02:12 20 I'm just asking you whether you told the police,
13:02:17 21 for example, that your arrest was illegal because
13:02:28 22 you were a member of the PLO Executive Committee?

13:02:36 23 Correct?

13:02:49 24 A. I spoke -- I -- I -- I spoke about this
13:03:07 25 when I was detained by the police and later on in the

13:03:10 1 courtroom. And it is clear that I am, you know, from
13:03:14 2 the -- from the PFLP. This has -- this is already on
13:03:19 3 record.

13:03:19 4 Q. Yeah. No, but you asserted the defense that,
13:03:23 5 because you're a member of the PLO Executive Committee,
13:03:26 6 your -- your arrest and imprisonment was ill -- were
13:03:40 7 illegal?

13:03:50 8 A. First -- first of all, it was illegitimate,
13:03:55 9 and it was for a political motivation, period. And
13:04:00 10 there was no requirement for my imprisonment --

13:04:05 11 Q. Yes. But I --

13:04:05 12 A. -- justification.

13:04:06 13 Q. I understand your view of that.

13:04:08 14 I'm just asking you specifically whether
13:04:12 15 you told the police and the judge in court -- is
13:04:23 16 someone handing you something, Mr. Malouh, or showing
13:04:27 17 you something?

13:04:28 18 MR. ROCHON: His counsel was handing him an
13:04:31 19 exhibit.

13:04:31 20 MR. SCHOEN: And what's that exhibit, please?

13:04:33 21 MR. ROCHON: It would be Exhibit No. 7.

13:04:39 22 Q. BY MR. SCHOEN: Mr. Malouh, I'm asking you a
13:04:40 23 question without re -- not based on any exhibits. I'm
13:04:53 24 asking you a question whether --

13:05:02 25 A. You asked what you asked. But I said: Being

1 a member of the Executive Committee -- and out of all
2 people, I took a commission and went to Gaza -- it
3 does not justify my detention.

4 Q. I really couldn't hear the answer. But
5 anyway. Look, would it --

6 CHECK INTERPRETER HAZOU: No, no, no. Wait.
7 He -- he is speaking. The translator is speaking. We
8 can't hear what the translation is.

9 MR. SCHOEN: I couldn't -- I couldn't either.

10 MR. McALEER: Why don't we --

11 MR. ROCHON: Okay. Just -- just one -- just
12 one minute, please, everyone.

13 I would like what I'm about to say be
14 translated, please, by the official translator, sir.

15 OFFICIAL INTERPRETER BEN-NAIM: Could you
16 hear me, Mr. --

17 MR. McALEER: Rochon.

18 OFFICIAL INTERPRETER BEN-NAIM: -- Rochon?

19 MR. SCHOEN: Can you hear the interpreter,
20 Mr. Rochon?

21 MR. ROCHON: The translator is fine except --
22 except for when you're talking, Mr. Schoen.

23 What I'd like to say is that the witness
24 needs to break up his answers into shorter pieces and
25 then be quiet while we get the translation because the

13:06:12 1 entire record of this case will be in English.

13:06:15 2 OFFICIAL INTERPRETER BEN-NAIM: Okay.

13:06:15 3 MR. ROCHON: When we are done --

13:06:18 4 MR. McALEER: Mark --

13:06:18 5 MR. ROCHON: -- there will be a --

13:06:18 6 MR. McALEER: Mark.

13:06:18 7 MR. SCHOEN: Hold on. Hold on.

13:06:16 8 MR. McALEER: Mark, further to that point,

13:06:19 9 let the translator translate what you've just said --

13:06:23 10 OFFICIAL INTERPRETER BEN-NAIM: Yeah.

13:06:23 11 MR. McALEER: -- before going on.

13:06:24 12 OFFICIAL INTERPRETER BEN-NAIM: Okay.

13:06:30 13 (Last section of colloquy translated.)

13:06:59 14 OFFICIAL INTERPRETER BEN-NAIM: Is that

13:07:00 15 correct, George?

13:07:00 16 CHECK INTERPRETER HAZOU: Yeah.

13:07:02 17 MR. SCHOEN: Mark.

13:07:03 18 MR. McALEER: No, he's asking the check

13:07:04 19 translator.

13:07:05 20 George, the request -- Shimon asked you if

13:07:07 21 what he said in Arabic was a correct translation of

13:07:10 22 what Mark said in English.

13:07:14 23 CHECK INTERPRETER HAZOU: Yes, yes.

13:07:15 24 MR. ROCHON: And therefore, sir, Mr. Malouh,

13:07:19 25 if you don't break it up more, the record will never

13:07:23 1 reflect what you actually said. And -- and we won't
13:07:26 2 have it preserved.

13:07:28 3 Therefore, I'd ask the witness to repeat his
13:07:49 4 last answer, which was given in response to the question
13:07:53 5 as to whether he said the statements Mr. Schoen said
13:07:58 6 to the police and the Court.

13:08:27 7 THE WITNESS: At first, I would like to say
13:08:29 8 clearly that my detention was purely political and it
13:08:32 9 has no relationship or justification whatsoever. And
13:08:42 10 I want to speak with -- with detail about this phase.

13:08:53 11 In -- in 2005 -- sorry -- 2004 -- on the
13:09:04 12 21st of November, 2004, I was in Ofer prison, and
13:09:25 13 I was sentenced in the same prison. And I told them
13:09:28 14 then that I came among five or six million Palestinians
13:09:41 15 stranded abroad. And I came in my capacity as member
13:09:52 16 of the Executive Council and the PNC.

13:10:10 17 And -- and during this period, I was going
13:10:12 18 to Gaza, and I was going abroad with Yasser Arafat.
13:10:14 19 And during this period, it is you who were granting
13:10:19 20 us the permissions to move.

13:10:26 21 In the same session, after the judge has
13:10:37 22 accepted to adjourn the court in this case -- I
13:10:49 23 don't know what is the communication or the line
13:10:51 24 of communication with the prosecutor. After, he said:
13:11:04 25 You can go to the appeal court so that you may be able

13:11:10 1 to adjourn the case. Then I was taken by the prosecutor
13:11:32 2 and by the judge to Ofer where the cause -- the -- the
13:11:36 3 case was to be proceeded. The major prosecutor: If
13:12:03 4 he does not accept on the deal, take him and grill him.
13:12:09 5 And the prosecutor requested that there should be a
13:12:23 6 maximum of ten years in order to pursue on this issue.

13:12:30 7 The judge -- the judge had issued a sentence
13:12:41 8 of imprisonment of seven years and two years minimum
13:12:46 9 with a guarantee of five years. For what? It was based
13:13:03 10 on two things. That is the verse of all the charge list
13:13:09 11 and -- and being a member of a hostile organization.

13:13:18 12 On this ground, I say this is unfair and is
13:13:25 13 a mistake. And this is -- and this is a court with --
13:13:30 14 with -- this is a very clearly politically riddled
13:13:43 15 issue like Lieberman speaks about Mahmoud Abbas and
13:13:48 16 what happened with Yasser Arafat.

13:13:50 17 Q. BY MR. SCHOEN: Mr. -- Mr. Malouh, to
13:13:53 18 summarize, you understand the charge brought against
13:13:57 19 you was for being a leader of this hostile organization,
13:14:04 20 as I understood it. By that, you mean PFLP; correct?

13:14:16 21 But -- but you told the police that you
13:14:22 22 believe you were arrested or that it was illegal
13:14:28 23 to arrest you because you were a member of the PLO
13:14:37 24 Executive Committee; correct?

13:14:59 25 A. First of all, I do not agree for the

13:15:02 1 conclusion you have reached because the charge
13:15:04 2 sheet should be very clear-cut from the outset.

13:15:10 3 Q. I'm --

13:15:11 4 A. This is first. And, secondly, I still
13:15:25 5 believe that my detention and -- and the sentencing,
13:15:28 6 it has to do with my membership of the Executive
13:15:33 7 Committee.

13:15:34 8 Q. Okay. And so that was my only question.

13:15:36 9 You told them that from the start? You told
13:15:39 10 them that from the start of your arrest; right?

13:15:41 11 That's why --

13:15:52 12 A. And for this reason, I say that it was an
13:15:56 13 unfair, unjust hearing.

13:16:01 14 Q. I understand that.

13:16:01 15 Let me ask you -- take a -- take a look at
13:16:03 16 Exhibit 7 now that your lawyer has that there.

13:16:10 17 MR. ROCHON: I'm just -- I'm going to be
13:16:11 18 handing the witness the exhibits at least from now on.
13:16:14 19 The lawyer has his own copy.

13:16:17 20 MR. SCHOEN: Sure.

13:16:18 21 MR. ROCHON: So here in the room, Mr. Malouh
13:16:19 22 has now received a copy of what you guys have indicated
13:16:21 23 was Exhibit 7.

13:16:24 24 THE WITNESS: (Examining.) This exhibit which
13:16:31 25 is here, I have signed it at the prosecutor's office

13:16:41 1 during that period.

13:16:42 2 Q. BY MR. SCHOEN: Okay. Is that your hand --
13:16:43 3 tell me what that exhibit is.

13:16:45 4 Is that your handwriting?

13:16:53 5 A. It is in my handwriting, and it is available
13:16:56 6 on your side.

13:16:57 7 Q. Yes. No, I have it.

13:16:58 8 Look on the second page toward the end.

13:17:04 9 MR. McALEER: Okay. While -- while we're --
13:17:06 10 while we're -- the witness has been directed by counsel
13:17:10 11 to look at the second page of Exhibit 7. I'll note for
13:17:22 12 the record that the document I have in hand sent to us
13:17:31 13 yesterday by plaintiffs' counsel --

13:17:37 14 (Pending question partially translated.)

13:17:39 15 OFFICIAL INTERPRETER BEN-NAIM: The copy?
13:17:39 16 The copy of it?

13:17:41 17 MR. McALEER: Yeah.

13:17:42 18 (Remainder of pending question translated.)

13:17:43 19 MR. McALEER: -- is a document that is not
13:17:45 20 in English.

13:17:51 21 Counsel, I have previously asked for you
13:17:54 22 all to tender a certified English translation of any
13:18:01 23 document --

13:18:01 24 (Last colloquy partially translated.)

13:18:11 25 OFFICIAL INTERPRETER BEN-NAIM: "Any

document"?

MR. McALEER: -- that you are going to be marking as an exhibit in this testimony and showing the witness that reflects what you are proffering to the Court and the witness in this process is the accurate English translation of this exhibit that you are using.

Up to this moment, when you were showing the witness this Exhibit 7, we have not received from plaintiffs such a certified English translation of this document. Defendants preserve their rights with respect to plaintiffs' refusal or failure, whichever it may be, to tender such a translation to the defendants previously.

(Last colloquy partially translated.)

OFFICIAL INTERPRETER BEN-NAIM: Sorry. The last sentence, sir?

MR. McALEER: "Failure or refusal, whichever it may be, to tender such a translation previously."

(Remainder of colloquy translated.)

(A. Malouh Exhibit A marked.)

MR. SCHOEN: (Partially translated.) Since we're talking for the record here, as I understand it, for the record, it's my -- it's my understanding that this -- what so far is referred to as Exhibit 7, but

13:20:19 1 we -- we'll mark for purposes of this deposition
13:20:24 2 Plaintiffs' Exhibit A to the deposition is -- my
13:20:30 3 understanding, it is an exact copy of the original
13:20:33 4 statement in Arabic in Mr. Malouh's handwriting that
13:20:37 5 was given -- oh, go ahead and translate.

13:20:40 6 OFFICIAL INTERPRETER BEN-NAIM: You're
13:20:40 7 serious? No, I mean, if you want --

13:20:46 8 MR. SCHOEN: Okay. I'll start over.

13:20:51 9 (Last colloquy partially translated.)

13:20:55 10 MR. SCHOEN: And that a copy of this
13:20:57 11 same exact document in Arabic in its original form,
13:21:07 12 as it appears today and as it was sent to defense
13:21:16 13 counsel yesterday, was also sent to defense counsel,
13:21:24 14 Mr. McCleer, and all defense counsel many weeks ago
13:21:31 15 by e-mail as part of our disclosures in the case --
13:21:43 16 disclosures, things we turned over in the case, with
13:21:53 17 plenty of opportunity to translate it on their own,
13:22:01 18 if they wished to do so.

13:22:10 19 They may have translated it. They have
13:22:18 20 told us that they have translated other documents in
13:22:20 21 this case. We presented it to Mr. Malouh for purposes
13:22:30 22 of this deposition in its original form in Arabic as
13:22:42 23 he wrote it so that he would be able to review it and
13:22:57 24 so that he would not think we changed anything in
13:23:04 25 translating it. And it is our understanding that

13:23:14 1 there's a translator there who could translate it
13:23:20 2 for counsel present who needs a translation.

13:23:29 3 But, in any case, the -- the purpose of
13:23:32 4 asking Mr. Malouh to look at the statement today --
13:23:35 5 and subject -- I understood all of Mr. McAleer's
13:23:37 6 objections. I understand he's standing by those
13:23:42 7 objections. I'm -- we're showing the document to
13:23:44 8 Mr. Malouh today to ask him to review it, perhaps
13:24:06 9 to refresh his recollection, if it needs refreshing,
13:24:08 10 to recall that he told the police, on his arrest,
13:24:22 11 that he felt he was being arrested because he's a
13:24:28 12 member of the PLO Executive Committee.

13:24:36 13 Q. BY MR. SCHOEN: Do you see where that's
13:24:38 14 written on this document, Mr. Malouh?

13:24:42 15 (Comment in Arabic by Mr. Spitzen.)

13:24:51 16 Q. BY MR. SCHOEN: Did you see --

13:24:52 17 A. (Examining.) I am not concerned with what
13:24:57 18 you have come to know. This is your affair. If you
13:25:03 19 conclude -- whatever you conclude, that's another
13:25:07 20 matter. I affirm that what is in Exhibit 7 I have
13:25:22 21 written, full stop.

13:25:27 22 Q. All right. And you -- what you wrote is true;
13:25:30 23 correct?

13:25:30 24 (Pending question re-translated by Check
13:25:30 25 Interpreter Hazou.)

13:25:35 1 THE WITNESS: That's what I'm -- what I'm
13:25:39 2 saying. I have written and I confirm that I did.

13:25:44 3 Q. BY MR. SCHOEN: All right. All right.

13:25:51 4 A. And this is, you know, the core of the point,
13:25:54 5 that there was a very clear avoiding to refer to the
13:26:00 6 PLO.

13:26:01 7 Q. Okay. But what you mean by that is they
13:26:07 8 claimed it was for another reason, but you believe
13:26:11 9 it was because you were PLO?

13:26:47 10 A. I will be very clear and frank. The previous
13:26:51 11 Israeli leadership and the current one and the future
13:26:55 12 one, it is in order to undermine Palestinian rights
13:26:58 13 and -- and Palestinian aspirations. This is the basis.

13:27:04 14 Q. All right. Is this a good time to --

13:27:18 15 A. And -- and very clearly why before me
13:27:21 16 there was the dissention of Taysir Khalid, who is
13:27:27 17 also a member of the Executive Committee, and why --
13:27:37 18 and why there was the campaign against Arafat and
13:27:44 19 later assassination and why now Lieberman is attacking
13:27:49 20 Mahmoud Abbas, who is head of the government and --
13:27:52 21 and president.

13:27:55 22 Q. This Taysir Qubba'a you mentioned --

13:28:01 23 CHECK INTERPRETER HAZOU: "Taysir Khalid."
13:28:05 24 "Khalid."

13:28:07 25 MR. SCHOEN: Oh, I see.

13:28:08 1 CHECK INTERPRETER HAZOU: "Taysir Khalid."
13:28:08 2 THE WITNESS: He stayed in prison for a while.
13:28:12 3 MR. ROCHON: He did not say "Taysir Qubba'a."
13:28:16 4 MR. SCHOEN: Yes, I understand that.
13:28:16 5 OFFICIAL INTERPRETER BEN-NAIM: "Qubba'a."
13:28:17 6 Q. BY MR. SCHOEN: What -- what faction -- I see.
13:28:17 7 What faction is he?
13:28:26 8 A. Taysir Khalid -- Taysir Khalid is a member
13:28:31 9 of the Executive Committee. And he was detained
13:28:34 10 together with me in the year 2002.
13:28:38 11 Q. Was he also PFLP?
13:28:42 12 A. I already answered this question of yours.
13:28:46 13 Q. You answered whether this guy was PFLP?
13:28:52 14 A. I already answered your question previously.
13:28:56 15 Q. Okay. Will you tell me whether the guy's
13:28:58 16 PFLP?
13:29:02 17 A. I tell you: I already answered your question.
13:29:05 18 Q. Okay. Will you answer me "yes" or "no" if
13:29:08 19 you want lunch now?
13:29:17 20 MR. ROCHON: Wait. Wait.
13:29:17 21 (Comment in Arabic by the witness.)
13:29:24 22 MR. ROCHON: You should translate what he
13:29:27 23 said.
13:29:27 24 MR. SCHOEN: Translate.
13:29:28 25 He didn't hear.

13:29:28 1 OFFICIAL INTERPRETER AGHAZARIAN: I haven't
13:29:28 2 heard.
13:29:28 3 MR. SCHOEN: He didn't hear.
13:29:29 4 MR. ROCHON: Okay. I was trying to say I
13:29:29 5 was going to mute this so we could discuss the schedule
13:29:33 6 here. You may want to do the same. I don't know if you
13:29:33 7 want to try to take a very short break to keep pressing
13:29:36 8 through or a longer one for lunch. So if we could mute
13:29:40 9 for one minute.
13:29:40 10 MR. SCHOEN: Okay. I'm going to tell you,
13:29:42 11 on our end, I want to take a lunch break.
13:29:46 12 MR. ROCHON: Okay. Well, then -- then I'm
13:29:46 13 not going to argue about that. How long do you want?
13:29:48 14 MR. SCHOEN: I don't know. What's fair?
13:29:48 15 An hour for lunch? No?
13:29:51 16 MR. ROCHON: That's -- that's kind of long.
13:29:53 17 MR. SCHOEN: Forty-five -- forty-five minutes.
13:29:54 18 Yeah. I don't know where you have to go here.
13:29:55 19 MR. ROCHON: I'd like to --
13:29:55 20 MR. SCHOEN: Forty --
13:29:58 21 MR. ROCHON: I'll leave that to you folks.
13:30:01 22 MR. SCHOEN: Forty-five minutes.
13:30:02 23 MR. ROCHON: Resume at a quarter after 3:00,
13:30:05 24 3:15.
13:30:05 25 CHECK INTERPRETER HAZOU: At 2:15.

13:30:09 1 MR. ROCHON: 2:15. Correct.

13:30:11 2 CHECK INTERPRETER HAZOU: So we reconvene

13:30:13 3 at 2:15.

13:30:13 4 MR. SCHOEN: Okay.

13:30:13 5 MR. ROCHON: Great.

13:30:15 6 MR. SCHOEN: Okay.

13:30:16 7 MR. ROCHON: We're going to mute.

13:30:18 8 MR. SCHOEN: Okay. Same here.

13:30:19 9 (Recess from 1:30 p.m. to 2:25 p.m., after

13:30:19 10 which Ms. Darshan-Leitner and Ms. Meridor were

13:30:19 11 not present.)

14:25:18 12 Q. BY MR. SCHOEN: Mr. Malouh, I'd like you to

14:25:23 13 take a look at a couple of articles. They purport to

14:25:31 14 be articles --

14:25:34 15 CHECK INTERPRETER HAZOU: Can you please

14:25:36 16 raise the translator's voice? Mr. Malouh cannot hear

14:25:41 17 very well what he is saying.

14:25:41 18 (Comment in Arabic by Official Interpreter

14:25:41 19 Ben-Naim.)

14:25:42 20 CHECK INTERPRETER HAZOU: Yes, yes. Okay.

14:25:45 21 Q. BY MR. SCHOEN: Mr. Malouh, I want to show

14:25:47 22 you what's marked over there that your lawyer should

14:25:51 23 have as Exhibit 1. And I will try to move through this

14:26:02 24 as quickly as possible, if you'll -- if you'll help me.

14:26:10 25 Exhibit 1 purports to be -- it appears to

14:26:17 1 be an article from the Journal of Palestinian Studies
14:26:32 2 written by you in your capacity as both PLO Executive
14:26:38 3 Committee member and a PFLP position.

14:26:48 4 Do you recognize Exhibit 1?

14:26:51 5 A. (Examining.) I saw it now.

14:27:01 6 Q. Have you ever seen that before? Is that an
14:27:03 7 article you think you wrote?

14:27:14 8 A. First of all, this is not an -- something I
14:27:17 9 wrote. It's an interview.

14:27:19 10 Q. Okay. Tell me what it is. Tell me what it
14:27:21 11 is.

14:27:26 12 A. The way it is -- this was in July 2003 in
14:27:33 13 Megiddo -- Megiddo prison.

14:27:47 14 Q. Okay.

14:27:37 15 A. I just saw -- I just saw it right now. And
14:27:52 16 I cannot comment what was mentioned or not mentioned
14:27:55 17 in this particular interview.

14:27:57 18 Q. Well, take a look at it, then, and read it.
14:27:59 19 I just wanted to ask you whether -- I just wanted you
14:28:06 20 to see if that reflects what you said, if you recall.

14:28:25 21 A. I cannot -- I cannot give quick answers to
14:28:31 22 something that I haven't read carefully. And then
14:28:34 23 this was something which was written in 2003. So I
14:28:37 24 cannot answer questions related to this particular
14:28:42 25 interview.

14:28:54 1 Q. As you read it now, is there anything in
14:28:57 2 there that you disagree with?

14:29:03 3 A. I have not read it until this moment.

14:29:07 4 Q. Okay. And now that you read it this moment,
14:29:08 5 is there anything in there that's --

14:29:15 6 (Pending question partially translated.)

14:29:20 7 OFFICIAL INTERPRETER BEN-NAIM: That?

14:29:21 8 Q. BY MR. SCHOEN: -- that's inaccurate?

14:29:22 9 MR. McALEER: Objection. Misstates testimony.

14:29:29 10 THE WITNESS: I said that I have not read it.
14:29:31 11 And as far as I'm concerned as if it is nonexistent.

14:29:36 12 Q. BY MR. SCHOEN: Okay. I'm asking you: Please
14:29:38 13 read the article now or the interview now.

14:29:52 14 A. I cannot give quick answers for something I
14:29:55 15 read right now. I have to read it carefully and reflect
14:29:59 16 before I come up with answers on it.

14:30:01 17 Q. What I'm referring to, Mr. Malouh, is about
14:30:04 18 two or two and a half pages.

14:30:25 19 A. You may ask about -- you may --

14:30:28 20 CHECK INTERPRETER HAZOU: Can I -- can I
14:30:28 21 interrupt for a moment?

14:30:30 22 OFFICIAL INTERPRETER BEN-NAIM: Yes, George.

14:30:30 23 CHECK INTERPRETER HAZOU: He didn't say this.
14:30:32 24 He said --

25 //

14:30:34 1 (Brief exchange in Arabic between Official
14:30:34 2 Interpreter Ben-Naim and Check Interpreter Hazou.)
14:30:38 3 OFFICIAL INTERPRETER BEN-NAIM: Aah, okay.
14:30:40 4 Okay. Okay. George corrected and I agreed. Okay?
14:30:48 5 MR. SCHOEN: What did he say?
14:30:50 6 OFFICIAL INTERPRETER AGHAZARIAN: That it
14:30:50 7 is two and a half pages.
14:30:53 8 OFFICIAL INTERPRETER BEN-NAIM: Yeah.
14:30:53 9 OFFICIAL INTERPRETER AGHAZARIAN: Not
14:30:53 10 "page 2."
14:30:53 11 MR. SCHOEN: Oh, I said it was two and a
14:30:54 12 half pages.
14:30:56 13 OFFICIAL INTERPRETER BEN-NAIM: Yeah.
14:30:57 14 MR. SCHOEN: Oh.
14:30:56 15 OFFICIAL INTERPRETER BEN-NAIM: But I
14:30:58 16 translated --
14:30:58 17 MR. SCHOEN: Okay. Got it. Got it. Got it.
14:30:59 18 Anyway, this is a --
14:31:01 19 CHECK INTERPRETER HAZOU: Bad communication.
14:31:02 20 MR. SCHOEN: Yes. I'm sorry.
14:31:03 21 Q. BY MR. SCHOEN: This is -- what we're showing
14:31:04 22 you, Exhibit 1, is about two and a half pages. I'm not
14:31:14 23 asking you for a quick answer. And I wasn't going to
14:31:20 24 make you go -- ask you to go through the article with
14:31:23 25 me. I'm just asking you to look at it and see whether

14:31:36 1 you believe this accurately reflects the interview you
14:31:46 2 gave that purports to be reflected in that document.

14:31:52 3 A. (Examining.) First, I would like to say
14:32:11 4 that this interview dates back when I was in Megiddo
14:32:15 5 prison in the year 2003. And I will not -- I'm not in
14:32:29 6 a position to give any answer before I carefully read
14:32:32 7 it and ponder over it in order to respond.

14:32:37 8 Q. Okay. Please carefully read it and ponder
14:32:41 9 over it.

14:32:42 10 A. Once again, if you have any specific
14:32:46 11 questions, go ahead.

14:32:46 12 Q. My specific question is whether that
14:32:51 13 interview -- whether that document accurately reflects
14:33:01 14 the interview you gave. And I'm asking you to please
14:33:06 15 take the time to read it care -- as carefully as you
14:33:09 16 need.

14:33:19 17 A. I don't know and I don't recall. I just saw
14:33:27 18 this document right now. And reading it is on another
14:33:31 19 occasion.

14:33:31 20 Q. (Not translated.) All right. And if you
14:33:32 21 don't recall whether it accurately reflects the
14:33:35 22 interview, please read it now and tell me with --
14:33:38 23 whether you agree with what is written there as
14:33:41 24 reflecting your position.

14:33:43 25 (Comment in Arabic by Mr. Hassan.)

14:33:43 1 CHECK INTERPRETER HAZOU: Hang on a minute.
14:33:43 2 We have -- something came up. Hang on a minute, please.
14:33:51 3 "I cannot recall," he said. "I cannot
14:33:53 4 recall." "I cannot remember."
14:33:55 5 MR. ROCHON: This is his counsel making that
14:33:57 6 statement to George Hazou.
14:33:59 7 (Brief exchange in Arabic between Mr. Hassan
14:33:59 8 and Check Interpreter Hazou.)
14:34:19 9 OFFICIAL INTERPRETER AGHAZARIAN: The lawyer
14:34:20 10 of the witness is saying that he does not recall this
14:34:26 11 particular interview.
14:34:28 12 Q. BY MR. SCHOEN: Okay. I understand you don't
14:34:31 13 recall it. So I'm asking you to read it now and see if
14:34:36 14 you agree with what's written there that's attributed
14:34:40 15 to you as you sit here now.
14:35:01 16 A. I am telling -- I say it in a very clear and
14:35:15 17 frank way. I shall take and read this document. But
14:35:17 18 if you have any particular questions, ask them directly.
14:35:21 19 Q. I just asked you. That's my question.
14:35:23 20 The article as a whole, is there anything in
14:35:26 21 there you disagree with?
14:35:46 22 A. For the -- I said for the 20th time that
14:36:13 23 I have not been exposed to this interview. Frankly,
14:36:18 24 I have not read it, and I do not recall. As I said,
14:36:23 25 this -- it has been years and years that this happened.

14:36:29 1 And -- and -- and I do not recall anything.

14:36:32 2 Q. Okay. In all of this time that we've been
14:36:35 3 discussing this, I submit to you, Mr. Malouh, you could
14:36:38 4 have read the article and given an answer. So I'm going
14:36:41 5 to ask you one more time.

14:36:41 6 Do you refuse to read the article now as we
14:36:44 7 sit here?

14:36:45 8 (Pending question partially translated.)

14:36:45 9 OFFICIAL INTERPRETER BEN-NAIM: I -- "I ask
14:36:45 10 you one more time"?

14:36:46 11 Q. BY MR. SCHOEN: Do you refuse to read the
14:37:00 12 article and give me an answer?

14:37:15 13 A. This -- I have not exposed to this. [sic]
14:37:27 14 And I am not ready to give answers on an article that
14:37:30 15 I have not read.

14:37:34 16 Q. Yeah. You keep repeating that. And I'm
14:37:37 17 asking you to read it now.

14:37:48 18 Will you please read it now?

14:37:57 19 A. I'm not ready now to go into this. This is
14:38:00 20 something that needs reading on a different time.

14:38:03 21 Q. Okay. Let me ask you to turn to Exhibit 2,
14:38:05 22 please.

14:38:10 23 Yeah. Sorry. Let me mark -- I have to mark
14:38:15 24 the -- what we've called earlier Exhibit 1 will be
14:38:19 25 marked Plaintiffs' Exhibit B to the deposition.

14:38:32 1 OFFICIAL INTERPRETER BEN-NAIM: Again?

14:38:33 2 MR. SCHOEN: We'll mark that document

14:38:35 3 Plaintiffs' Exhibit B to the deposition.

14:38:38 4 (A. Malouh Exhibit B marked.)

14:38:46 5 Q. BY MR. SCHOEN: Let me -- Mr. Malouh --

14:38:47 6 MR. ROCHON: Counsel.

14:38:48 7 Q. BY MR. SCHOEN: Mr. Malouh, let me --

14:38:49 8 MR. ROCHON: Counsel, just so we -- Counsel,

14:38:51 9 the one you just showed him, then, was -- you're marking

14:38:54 10 as B?

14:38:56 11 MR. SCHOEN: Correct.

14:38:56 12 MR. ROCHON: "B" like --

14:38:57 13 MR. SCHOEN: "B" like "baker."

14:38:59 14 MR. ROCHON: Exhibit 1 -- for the purpose of

14:39:00 15 this deposition, what we've worked on, Exhibit 1, is,

14:39:02 16 in fact, "B"?

14:39:04 17 MR. SCHOEN: Correct.

14:39:04 18 MR. ROCHON: Yes?

14:39:05 19 MR. SCHOEN: Yes.

14:39:05 20 MR. ROCHON: What was -- what was "A"?

14:39:07 21 MR. SCHOEN: Seven was "A." We marked 7 as

14:39:09 22 "A."

14:39:11 23 MR. McALEER: So what was --

14:39:11 24 MR. ROCHON: Thank you.

14:39:11 25 MR. McALEER: Okay.

14:39:13 1 MR. ROCHON: What was used this morning was
14:39:15 2 marked as Exhibit A?
14:39:16 3 OFFICIAL INTERPRETER BEN-NAIM: Can I
14:39:17 4 translate --
14:39:18 5 MR. SCHOEN: Correct.
14:39:18 6 OFFICIAL INTERPRETER BEN-NAIM: -- for the
14:39:18 7 sake of -- so he can understand what's going on?
14:39:21 8 MR. McALEER: Yes.
14:39:21 9 MR. SCHOEN: Sure.
14:39:22 10 (Last section of colloquy translated.)
14:39:22 11 (A. Malouh Exhibit C marked.)
14:39:24 12 MR. ROCHON: I've given him what we had marked
14:39:26 13 as Exhibit 2, which you are now telling us is -- is, for
14:39:29 14 the record, is deposition Exhibit C?
14:39:34 15 MR. SCHOEN: Correct.
14:39:34 16 MR. ROCHON: Yes?
14:39:35 17 MR. SCHOEN: Correct.
14:39:35 18 MR. ROCHON: All right. The witness has it.
14:39:38 19 Q. BY MR. SCHOEN: Mr. Malouh, in this Exhibit C
14:39:41 20 to this deposition, that document, I would direct your
14:39:52 21 attention to what's numbered pages 67 to 69 and ask
14:40:03 22 you if you can identify the document?
14:40:06 23 A. (Examining.) I just received it.
14:40:13 24 Q. Take your time.
14:40:28 25 A. I'm not in a position to respond to documents

14:40:32 1 that I just received.

14:40:33 2 Q. So again, Mr. Malouh, as you sit there, I'm
14:40:36 3 asking you to read what appear to be three pages of this
14:40:40 4 document. It --

14:40:57 5 A. I am not ready now to read any document that
14:41:00 6 I have not been exposed to previously.

14:41:03 7 Q. When you say "exposed," Mr. Malouh, this
14:41:06 8 appears to be a document that's an article that you
14:41:10 9 wrote in your -- in your capacity as a member of the
14:41:27 10 PLO Executive Committee and in your capacity with the
14:41:31 11 PFLP.

14:41:46 12 A. I said clearly that I'm not in a position --
14:41:50 13 I'm not -- in a position not to discuss a document that
14:41:59 14 was ten years ago. Maybe I have written. Maybe some --
14:42:01 15 someone else has written. But I'm not in a position to
14:42:07 16 answer on it.

14:42:09 17 Q. Yeah. That's why I was asking -- asking
14:42:11 18 whether you wrote it, if you can tell by looking at it.
14:42:14 19 Because it does have your name in both capacities.

14:42:17 20 So I'm ask --

14:42:55 21 A. I said I'm not ready -- you can direct your
14:43:06 22 questions to the publisher, to the Palestinian Institute
14:43:11 23 for Studies. But if you have any specific comments,
14:43:15 24 I can respond to it.

14:43:17 25 Q. All right. Let me ask you a question.

14:43:19 1 If you'd turn to page six -- it's marked "67"
14:43:22 2 on the document. It's about halfway down the column.
14:43:32 3 And in Arab -- in Arabic, it appears to say the word
14:43:41 4 "third." We'll ask the translator to translate.

14:43:58 5 Please look at that page 67. I want to ask
14:44:01 6 you a question about it.

14:44:17 7 A. I will not respond. I will not respond
14:44:33 8 to anything, whether it is page 67, 68, or 69,
14:44:36 9 what happened, when happened. I'm not going to
14:44:40 10 be forthcoming in responding to these questions.

14:44:44 11 Q. You had asked me to ask you a specific
14:44:47 12 question about the document. So I'm trying now to
14:44:50 13 accommodate you.

14:44:59 14 So if you would look at that page 67 in the
14:45:07 15 part I asked you to look at, which purports to talk
14:45:14 16 about the -- the reasons for the Intifada. I want
14:45:25 17 to ask you if you agree with what's written there
14:45:29 18 as you read it now?

14:45:48 19 A. I -- I'm -- I -- I'm not going to debate
14:45:54 20 this issue. But the reasons for the Intifada is the
14:45:57 21 occupation. You are the reason for the occupation.

14:46:01 22 Q. In -- in -- on this page 67, if you wrote
14:46:07 23 this article, you appear to give several reasons for
14:46:11 24 the Intifada, in -- including the ability to obtain
14:46:24 25 weapons. So I'm asking you to read it and see whether

14:46:28 1 you agree with that.

14:46:41 2 A. I -- I told you that I have not read and I
14:46:44 3 will not read.

14:46:48 4 Q. Let me ask you to look at --

14:46:54 5 (Comment in Arabic by the witness.)

14:46:50 6 Q. BY MR. SCHOEN: I don't think the translator
14:46:55 7 heard. I'm sorry.

14:46:59 8 A. Not in this session. In this session, I'm not
14:47:03 9 in a position to --

14:47:05 10 Q. (Not translated.) Do you want to come back
14:47:06 11 for another session?

14:47:09 12 CHECK INTERPRETER HAZOU: No, no. Let's see
14:47:10 13 the translation --

14:47:11 14 MR. SCHOEN: Oh.

14:47:11 15 CHECK INTERPRETER HAZOU: Translation.

14:47:15 16 (Pending question translated.)

14:47:15 17 (Comment in Arabic by the witness.)

14:47:24 18 CHECK INTERPRETER HAZOU: No, no, no.

14:47:24 19 (Comment in Arabic by the witness.)

14:47:24 20 MR. HALLER: Albert, what did he say?

14:47:32 21 THE WITNESS: You're -- you're free to do it.

14:47:34 22 CHECK INTERPRETER HAZOU: No, no, no.

14:47:34 23 THE WITNESS: But I will not come in another
14:47:38 24 session after this one.

14:47:40 25 CHECK INTERPRETER HAZOU: What -- what he's

14:47:41 1 saying -- and I think also due to bad communication.

14:47:43 2 He's saying that he -- at least for now, he will not

14:47:48 3 read the interview or the article. But he may read

14:47:51 4 it later as he wishes. But he will not do it now.

14:47:56 5 MR. SCHOEN: You agree with -- that's what

14:47:58 6 I [sic] said?

14:47:59 7 OFFICIAL INTERPRETER BEN-NAIM: That's what

14:47:59 8 he said.

14:47:59 9 OFFICIAL INTERPRETER AGHAZARIAN: But he

14:47:59 10 said -- he added that "personally, I will not come

14:48:03 11 to another depo."

14:48:06 12 CHECK INTERPRETER HAZOU: Yes. But he said

14:48:11 13 something before it -- before that. You're right,

14:48:12 14 Albert. This is what he said. But he said something

14:48:16 15 before, which I think you did not hear.

14:48:18 16 MR. SCHOEN: And that's what -- I'm sorry.

14:48:20 17 George, that's what you had said into the record?

14:48:21 18 That's -- what you said into the record is what you

14:48:24 19 heard Mr. Malouh say; correct?

14:48:29 20 CHECK INTERPRETER HAZOU: Yes, sir.

14:48:30 21 MR. SCHOEN: Okay.

14:48:37 22 (Brief exchange in Arabic between Check

14:48:37 23 Interpreter Hazou and the witness.)

14:48:44 24 OFFICIAL INTERPRETER AGHAZARIAN: He is

14:48:47 25 saying: "Do you want us to meet again" --

14:48:50 1 OFFICIAL INTERPRETER BEN-NAIM: No.

14:48:50 2 OFFICIAL INTERPRETER AGHAZARIAN: -- "in
14:48:51 3 another depo?"

14:48:53 4 OFFICIAL INTERPRETER BEN-NAIM: No. He's
14:48:54 5 answering George. He's answering George.

14:49:00 6 MR. SPITZEN: He's now -- he's now speaking
14:49:01 7 to George.

14:49:02 8 Q. BY MR. SCHOEN: Okay. Mr. Malouh, I want to
14:49:02 9 be clear with you. I want you to have as much time as
14:49:07 10 you feel you need to read these documents in order to
14:49:21 11 answer my questions. Now, some of the questions have
14:49:29 12 been asking you to identify the document and whether
14:49:37 13 you recall whether you -- if you wrote it or gave the
14:49:40 14 interview.

14:49:40 15 As I understood your answer to that, it's
14:49:52 16 essentially that you would need more time to read the
14:49:59 17 document and consider it. On that point, I'm asking
14:50:10 18 you to please take as much time as you want.

14:50:17 19 And on the second set of questions, I'm asking
14:50:24 20 you simply to look at the document now, specifically
14:50:33 21 page 67 of Exhibit C, and ask you just to comment on
14:50:42 22 that -- what's written there, whether or not you recall
14:50:50 23 if you wrote it or gave an interview.

14:51:02 24 Will you do that, please?

14:51:14 25 A. In this session, it will not happen, because

14:51:17 1 this has been since long time. Do you want to get me
14:51:21 2 back to prison? Whether it is the interview or what was
14:51:39 3 written has its own circumstances when it was written.
14:51:42 4 Whether it is relevant or not, I don't know.

14:51:46 5 Q. Do you refuse to read it and answer my
14:51:49 6 question based on the document?

14:51:53 7 A. I refuse reading it now in this particular
14:51:56 8 session.

14:51:57 9 Q. Will you agree to come back for another
14:52:00 10 session after you've had a chance to read it?

14:52:06 11 A. This has to do with the future and with time.
14:52:08 12 It depends.

14:52:10 13 Q. Okay. Let me ask you to look at exhibits
14:52:16 14 previously marked 4 and 5, which we will now mark as
14:52:21 15 D and E.

14:52:40 16 (A. Malouh Exhibits D and E marked.)

14:52:41 17 Q. BY MR. SCHOEN: 4 and 5.

14:52:42 18 Let me ask you a question, Mr. Malouh.

14:52:59 19 When you -- if you were to write an article
14:53:07 20 or give an interview in your capacity as a PLO Executive
14:53:15 21 Committee member, do you need to get anyone's permission
14:53:24 22 to do so?

14:53:25 23 A. (Examining.) Very clearly, if -- if I need
14:53:44 24 a permission, it is -- it -- it has to come from the
14:53:49 25 paper which is introducing me, whether it is Al-Ittihad,

14:53:53 1 Al-Quds, or Al-Hadaf.

14:53:58 2 Q. I don't understand.

14:53:58 3 OFFICIAL INTERPRETER AGHAZARIAN: "Papers."

14:53:58 4 MR. SCHOEN: I don't understand the answer.

14:53:57 5 OFFICIAL INTERPRETER AGHAZARIAN: That's the
14:53:59 6 name of papers.

14:53:59 7 MR. SCHOEN: Yes.

14:54:00 8 Q. BY MR. SCHOEN: I don't understand.

14:54:00 9 What do you mean the permission has to come
14:54:03 10 from them?

14:54:03 11 (Pending question partially translated.)

14:54:09 12 OFFICIAL INTERPRETER BEN-NAIM: "Them"?

14:54:10 13 MR. SCHOEN: "Has to come from them,
14:54:12 14 permission."

14:54:12 15 (Remainder of pending question translated.)

14:54:17 16 THE WITNESS: Because it is up to the given
14:54:21 17 newspaper that publishes or does not publish according
14:54:24 18 to its requirements.

14:54:26 19 Q. BY MR. SCHOEN: Do you believe that you have
14:54:27 20 the authority to speak publicly or to give an interview
14:54:42 21 or to write an article in your capacity as a PLO
14:54:48 22 Executive Committee member?

14:55:07 23 A. In my capacity of my membership --

14:55:14 24 Q. One second. We're just translating now. Tell
14:55:17 25 him I said that.

14:55:19 1 A. In my capacity of my membership, I can, like
14:55:24 2 any other person, speak what I want to speak. And it
14:55:30 3 has to do with the political decision which is connected
14:55:33 4 with a specific decision.

14:55:36 5 Q. Okay. The exhibits you have now been handed,
14:55:43 6 which are D and E, previously 4 and 5, purport -- appear
14:55:58 7 to be articles from Al-Hadaf magazine written by you in
14:56:13 8 your capacity as a PLO Executive Committee member and
14:56:23 9 in your capacity with the PFLP.

14:56:31 10 For Exhibit D, I would direct your attention
14:56:34 11 to page 14. And for Exhibit E, I would direct your
14:56:44 12 attention to page 16. And I would ask you if you
14:56:53 13 recognize these documents starting at those pages?

14:56:57 14 MR. ROCHON: Just --

14:57:06 15 THE WITNESS: (Examining.) What's the
14:57:11 16 question?

14:57:11 17 Q. BY MR. SCHOEN: I asked you if you recognize
14:57:13 18 the document, first of all?

14:57:34 19 A. This is Al-Hadaf magazine in the year 2000.

14:57:39 20 What is the question? What's the question?

14:57:41 21 Q. Okay. First, what is Al-Hadaf magazine?

14:57:51 22 A. This is the magazine that speaks in the name
14:57:54 23 of the PFLP.

14:57:56 24 Q. Okay. And do you recall writing this article
14:58:01 25 in Al-Hadaf?

14:58:13 1 A. I write and I send. And whoever publishes
14:58:15 2 publishes.

14:58:21 3 Q. Okay. Do you recognize these specific
14:58:23 4 articles?

14:58:30 5 A. When I read it, I will tell you whether I
14:58:32 6 recall it or I don't.

14:58:34 7 Q. Please read it now and tell me if you recall
14:58:36 8 it.

14:58:42 9 A. I told you -- I -- I have told you I'm not
14:58:47 10 going to read it now but I will read it at the opportune
14:58:53 11 time.

14:58:54 12 Q. Okay. Mr. Malouh, I've skipped one, No. 3.

14:59:07 13 (Pending question partially translated.)

14:59:07 14 MR. SCHOEN: "No. 3."

14:59:09 15 (Remainder of pending question translated.)

14:59:09 16 Q. BY MR. SCHOEN: Previously marked 3, we'll now
14:59:17 17 call it F, like "Frank."

14:59:22 18 Let me -- would your answer be the same if
14:59:25 19 I asked you the same series of questions?

14:59:36 20 A. I don't know what are the questions and the --
14:59:38 21 and the answers. I have not been exposed to them.

14:59:43 22 (A. Malouh Exhibit F marked.)

14:59:43 23 Q. BY MR. SCHOEN: Okay. Mr. Malouh, please
14:59:46 24 look at what was previously marked Exhibit 3 and is
14:59:50 25 now marked Exhibit F.

14:59:53 1 A. (Examining.)

15:00:07 2 Q. Will you please identify that document?

15:00:10 3 A. I haven't read it or know about it until this

15:00:22 4 moment.

15:00:23 5 Q. Looking at that document, you believe you

15:00:25 6 never saw it before, or you just don't know whether

15:00:29 7 you did?

15:00:29 8 (Pending question partially translated.)

15:00:29 9 OFFICIAL INTERPRETER BEN-NAIM: "You believe"?

15:00:34 10 "You believe"?

15:00:34 11 Q. BY MR. SCHOEN: You never saw it before, or

15:00:38 12 you don't know whether you saw it before?

15:00:47 13 A. I will read it later.

15:00:48 14 Q. Oh, we're going to just take a minute to put

15:01:14 15 something up on the screen.

15:01:23 16 MR. ROCHON: Before you do so, I'd like to

15:01:25 17 go off the record for a second.

15:01:30 18 MR. SCHOEN: Okay.

15:01:30 19 MR. ROCHON: Not for a second. For a few

15:01:33 20 minutes.

15:01:38 21 MR. SCHOEN: Let me just ask: Before we go

15:01:40 22 off the record, Mark, for what purpose?

15:01:43 23 MR. ROCHON: Because I'd like to discuss the

15:01:45 24 last series of questions with the witness to see if we

15:01:46 25 can come to some way that we can move things forward.

15:01:58 1 MR. SCHOEN: Okay. Just so that you know,
15:01:59 2 what I thought you meant was go off the record to speak
15:02:03 3 to me. But I'm -- I'm -- I'm prepared to move forward
15:02:06 4 now. I mean -- anyway.

15:02:07 5 MR. ROCHON: I -- I understand. But I'm --
15:02:08 6 I'd like to have the opportunity to consult with the
15:02:11 7 witness on --

15:02:12 8 MR. SCHOEN: Okay.

15:02:12 9 MR. ROCHON: -- those questions.

15:02:12 10 MR. SCHOEN: All right. We're going to --
15:02:17 11 we'll mute it on our -- mute it on our end too, then.
15:02:21 12 Okay?

15:02:22 13 MR. ROCHON: Yeah. And I'm going to cover the
15:02:24 14 video screen as well just for a second.

15:02:29 15 MR. SCHOEN: Yeah. Off the record and it's
15:02:31 16 muted.

15:08:23 17 (Recess from 3:02 p.m. to 3:09 p.m.)

15:09:57 18 MR. ROCHON: So in terms -- are you ready?

15:10:05 19 MR. SCHOEN: Ready.

15:10:05 20 MR. ROCHON: Okay. In terms of these
15:10:06 21 articles -- and I'm not saying you need to go back
15:10:09 22 to them. It's your call. If -- if there are specific
15:10:12 23 statements in there that you want to read out to him
15:10:13 24 and ask him about them, that's fine. And we'll --
15:10:15 25 he'll -- I think he would answer those questions,

15:10:18 1 if you read them out.

15:10:19 2 I have to admit, since they're in Arabic --
15:10:23 3 and we've received many documents from you guys. I
15:10:25 4 don't even know if we've received all those. We haven't
15:10:27 5 had a chance to compare them. I don't read Arabic.
15:10:29 6 And these are long articles. And so it's very hard
15:10:33 7 to speak to an entire article.

15:10:35 8 But if there's a specific statement and you
15:10:38 9 want to just read it out, Counsel, and say, "Do you
15:10:41 10 agree with it or not?" I think maybe you could cover
15:10:43 11 the topics you wish to cover, which is are -- are these
15:10:46 12 reflective of his views or not.

15:10:49 13 But for him to go and read all of these
15:10:53 14 articles and try to -- which have to be read in context
15:10:53 15 and take a long time, when you haven't seen them before,
15:10:55 16 puts him in an uncomfortable position because who knows
15:10:58 17 if they edited them right, if they didn't edit them
15:11:01 18 right. But what kind of -- all those issues.

15:11:03 19 But if there's specific statements in
15:11:05 20 there that you want to say to him whatever it says
15:11:08 21 in English -- and it will be translated into Arabic --
15:11:10 22 then we can see what he says about them.

15:11:14 23 MR. SCHOEN: Yeah. With all due respect,
15:11:14 24 I disagree with the editorialization that it would take
15:11:19 25 a long time or that they're long articles. They're

15:11:21 1 short articles. I asked him the questions that I asked
15:11:23 2 him. In my view, he refused to answer those questions.

15:11:27 3 I asked him also specifically, consistent with
15:11:29 4 what you're now asking me to do again, to simply take
15:11:32 5 one paragraph and read it to himself or out loud and
15:11:36 6 comment on it. He refused to do that also. It's about
15:11:39 7 ten lines.

15:11:40 8 MR. ROCHON: You're -- but your question
15:11:42 9 doesn't include what that content is. You have to
15:11:44 10 ask -- read out loud -- for you to confront a witness
15:11:47 11 with a statement, you have to say to the witness "read
15:11:50 12 it out" and have the witness comment on it.

15:11:53 13 MR. SCHOEN: I don't --

15:11:54 14 MR. ROCHON: Not just read some document in
15:11:56 15 a foreign language that -- that isn't the language of
15:11:58 16 this case and then start some dialogue about it.

15:12:02 17 MR. SCHOEN: Yeah. Okay. I --

15:12:02 18 MR. ROCHON: If you want -- I --

15:12:02 19 MR. SCHOEN: Go ahead. Sorry.

15:12:03 20 MR. ROCHON: So we disagree.

15:12:05 21 MR. SCHOEN: Yeah.

15:12:05 22 MR. ROCHON: I thought I was going to get
15:12:05 23 a way to solve it. I respect your opinion, even if
15:12:07 24 I disagree with it. We disagree. You're not going
15:12:10 25 to proceed that way. We don't need to debate whether

15:12:11 1 you have to or not.

15:12:12 2 MR. SCHOEN: Right. So I'll -- I'll ask you
15:12:14 3 what I think is consistent with what you've said. But,
15:12:17 4 again, you may disagree with it.

15:12:18 5 I'll ask again if Mr. Malouh will read that
15:12:23 6 paragraph that I referred to on page 67 to himself,
15:12:25 7 tell us what it says, and then comment on it.

15:12:30 8 MR. ROCHON: Well, that's where, I guess,
15:12:31 9 we disagree. I don't think Mr. Malouh has to interpret
15:12:33 10 for you what that says. If you want the -- if you want
15:12:37 11 to -- if you want to read out loud what you understand
15:12:41 12 it to say in English, which is the language of this
15:12:43 13 case -- and then at least I would know what you're
15:12:45 14 asking him. Because I don't even know what question
15:12:46 15 you're asking right now, because I don't read Arabic.

15:12:48 16 MR. SCHOEN: Yeah. I'm not asking him to
15:12:50 17 interpret anything. I asked him to read it simply.
15:12:50 18 We have a translator here. He can read it to himself,
15:12:55 19 if he likes, and tell us whether he agrees with the
15:12:58 20 statement or doesn't agree with the statement. Or he
15:13:01 21 can read it out loud, and the translator can translate
15:13:03 22 it. And then he could answer my question. Those are
15:13:05 23 the two options.

15:13:08 24 MR. ROCHON: Well, the third option was if you
15:13:10 25 provided an English-language translation of this, then

15:13:12 1 we would know what question you were putting, and you
15:13:14 2 could put it in English for it to be translated into
15:13:17 3 Arabic, which is how we should proceed here.

15:13:20 4 You're -- I'm -- I'm a lawyer from America
15:13:22 5 in a case that's being tried in America. We're only
15:13:24 6 here pursuant to a foreign deposition. You need to
15:13:27 7 put your questions in English. That's a question that
15:13:29 8 you're putting to him in Arabic.

15:13:32 9 MR. SCHOEN: Okay.

15:13:32 10 MR. ROCHON: You need to present your question
15:13:34 11 in English. And then -- I don't know what that says.

15:13:35 12 I don't even know if you're asking him
15:13:35 13 something relevant or not. How can I frame an objection
15:13:40 14 when I don't know what question you're asking him?

15:13:42 15 MR. SCHOEN: The question I'm asking him --

15:13:43 16 MR. ROCHON: What is it?

15:13:45 17 THE WITNESS: (In English.) You don't know,
15:13:47 18 and I don't know.

15:13:49 19 MR. SCHOEN: Please just --

15:13:51 20 MR. ROCHON: The witness said: "You don't
15:13:51 21 know, and I don't know."

15:13:51 22 MR. SCHOEN: In English.

15:13:51 23 MR. ROCHON: So I understand you disagree
15:13:54 24 with me. And we can move on, if you wish. I -- I'm
15:13:56 25 suggesting a way that I think would be an appropriate

1 way to move forward, understanding you don't agree.

2 I -- I was just trying to move things along. But go

3 ahead however you wish, Counsel.

4 MR. SCHOEN: Okay. I'm going to ask the
5 translator to read what's written there. Mr. Malouh
6 can follow along, if he'd like.

7 OFFICIAL INTERPRETER AGHAZARIAN: In Arabic
8 or English?

9 MR. SCHOEN: In Arabic. Read the document --
10 it's written in Arabic. Read it in Arabic.

11 OFFICIAL INTERPRETER AGHAZARIAN: Yes.

12 MR. SCHOEN: And then for the lawyers there,
13 you can translate it. Their translator can tell whether
14 he thinks it's an accurate translation or not. I'd ask
15 Mr. Malouh to --

16 MR. ROCHON: No. Whatever the translator says
17 needs to be translated into English --

18 MR. SCHOEN: Yeah.

19 MR. ROCHON: -- for the court reporter.

20 MR. SCHOEN: Yeah. I -- that's what I just
21 said to the translator.

22 MR. ROCHON: Okay. Who's going to -- who's
23 going to read it in Arabic and who's going to provide
24 the contemporaneous English translation?

25 THE WITNESS: Any translation -- any

15:15:04 1 translation taken out of con -- context will strip
15:15:08 2 the meaning. So I say right now that -- that any
15:15:12 3 translation outside this is not objective.

15:15:17 4 MR. SCHOEN: Okay. And -- and so I'm going
15:15:18 5 to say, again: Will Mr. Malouh read the document to
15:15:22 6 himself in the Arabic and tell us whether he agrees
15:15:26 7 with the statement that is written there?

15:15:42 8 MR. ROCHON: Counsel, it doesn't matter
15:15:43 9 whether he would do it. I'm objecting and saying you
15:15:47 10 need to put your question in English. You're not going
15:15:50 11 to present a foreign language document to the -- the
15:15:52 12 witness and have him start commenting on it without me
15:15:54 13 knowing what it says.

15:15:55 14 MR. SCHOEN: If I ask Mr. Malouh to read the
15:15:57 15 document in English, my understanding is he wouldn't be
15:15:59 16 able to read it. I'm asking him to read it to himself
15:16:02 17 in Arabic. You --

15:16:03 18 (Comment in Arabic by the witness.)

15:16:03 19 MR. SCHOEN: Excuse me, Mr. Malouh. I'm not
15:16:04 20 finished. Excuse --

15:16:10 21 THE WITNESS: In this session, not in Arabic
15:16:12 22 or any other language, I'm not in a position to go into
15:16:15 23 this reading.

15:16:16 24 MR. SCHOEN: Okay. Mr. Malouh -- Mr. Malouh,
15:16:23 25 Exhibit 8, we'll mark it Exhibit G for these purposes.

15:16:44 1 (A. Malouh Exhibit G marked.)

15:16:47 2 Q. BY MR. SCHOEN: My only question to you on
15:16:48 3 this document, Mr. Malouh, is if you recognize what
15:16:57 4 appears to be your signature on the bottom of the page?

15:17:00 5 A. (Examining.) First of all, this document is
15:17:15 6 in Hebrew. It's not in Arabic or English. I personally
15:17:25 7 do not understand this language.

15:17:29 8 Q. Okay.

15:17:35 9 A. As for the signature, I have no idea whether
15:17:39 10 this was today, yesterday, or whenever. That's another
15:17:41 11 matter.

15:17:42 12 Q. Yeah. The signature that appears on that
15:17:44 13 document, does that appear to you to be your signature?

15:18:07 14 A. I will not answer whether it seems or it does
15:18:13 15 not seem. This kind of question, this appears to be
15:18:17 16 virtual questions.

15:18:19 17 Q. I don't understand the answer.

15:18:30 18 A. Your question is virtual. And I do not
15:18:33 19 respond to virtual questions.

15:18:35 20 Q. (Not translated.) Okay. My actual question
15:18:37 21 is: Do you see what appears to you to be your signature
15:18:44 22 anyplace on this page?

15:18:46 23 (Comment in Arabic by someone in Ramallah.)

15:18:52 24 MR. SCHOEN: Did you translate?

15:18:47 25 THE WITNESS: I -- I will not answer this

question. This needs a specialist about handwriting or relevant parties.

Q. BY MR. SCHOEN: Yeah. Thank you for the legal lesson.

But I'm just asking you whether you recognize your own handwriting?

(Pending question partially translated.)

OFFICIAL INTERPRETER BEN-NAIM: You're asking?

Q. BY MR. SCHOEN: What appears to be your own handwriting.

A. In what seems -- this is a sort of question which is virtual.

Q. Is it your signature?

A. I do not -- I do not respond to virtual questions.

Q. Does your signature appear anyplace on this page, Mr. Malouh?

A. My name is clear. But I do not know whether this is my signature or not.

Q. Okay.

MR. ROCHON: Counsel, that last document, the former Exhibit 8 is now referred to as Exhibit G for purposes of the deposition; is that right?

MR. SCHOEN: Correct.

MR. ROCHON: Thank you.

15:20:15 1 Q. BY MR. SCHOEN: Mr. Malouh, this document,
15:20:18 2 Exhibit 8, purports to be a power of attorney giving
15:20:32 3 lawyers -- giving lawyers the authority to act on your
15:20:41 4 behalf in the -- in the criminal case in which you put
15:20:50 5 forward the defense that it was illegal to prosecute
15:21:01 6 you --

15:21:02 7 (Comment in Arabic by the witness.)

15:21:02 8 Q. BY MR. SCHOEN: May I finish my --

15:21:03 9 A. First of all, I do not accept that this is
15:21:06 10 a criminal case.

15:21:07 11 Q. Okay. Let me finish my question, please.

15:21:10 12 In the case for which you went to prison
15:21:18 13 and you asserted the defense that it was illegal
15:21:22 14 to prosecute you because you're a member of the PLO
15:21:34 15 Executive Committee, you had lawyers representing you;
15:21:41 16 correct?

15:21:56 17 A. First of all, this is a military tribunal.

15:22:00 18 Do you recognize Israeli military tribunals?

15:22:05 19 Q. Did you have lawyers representing you in your
15:22:08 20 case?

15:22:12 21 A. Of course there were lawyers that represented
15:22:14 22 me, defending. Abu Yamani. Mohammad Na'amna.

15:22:20 23 But the military court and the military law,
15:22:32 24 do you recognize it?

15:22:34 25 Q. Who paid for your lawyers, Mr. Malouh?

15:22:48 1 A. They volunteered. I did not pay for any of
15:22:51 2 them.

15:22:51 3 Q. Do you know whether they were paid by anyone?

15:22:59 4 A. I don't know.

15:23:02 5 Q. Who -- who's paying for the -- your lawyer
15:23:05 6 who's present today?

15:23:13 7 A. I don't know.

15:23:15 8 Q. Do you --

15:23:19 9 A. I personally have not paid him and have not
15:23:22 10 paid anybody who is here.

15:23:24 11 Q. Do you know --

15:23:30 12 A. Did they pay you?

15:23:31 13 Q. Do you know whether any lawyers who have
15:23:35 14 represented you have been paid by the PLO or the PNA?

15:23:38 15 (Pending question partially translated.)

15:23:38 16 OFFICIAL INTERPRETER BEN-NAIM: "PNA"?

15:23:49 17 MR. SCHOEN: (Counsel nods head in the
15:23:49 18 affirmative.)

15:23:51 19 (Remainder of pending question translated.)

15:24:00 20 THE WITNESS: Personally, I don't know. But
15:24:04 21 it is natural that some party keeps -- but I don't know
15:24:10 22 who has been paid, who has not been paid. That's beyond
15:24:14 23 my knowledge.

15:24:14 24 Q. BY MR. SCHOEN: Who is Mr. Hassan, Mr. Malouh?

15:24:44 25 A. There is an institution called Al-Dameer

15:24:47 1 whose job it is to protect the -- the human rights
15:24:50 2 and the detainees. It's called Dameer. He's the
15:24:55 3 head of that organization.

15:24:56 4 Q. And do you know who arranged for Mr. Hassan
15:24:59 5 to represent you?

15:25:05 6 A. I did not contact Mr. Hassan. He volunteered
15:25:10 7 in order to respond to me.

15:25:13 8 Q. Mr. Malouh, do you know whether there's a
15:25:16 9 charter of the PLO?

15:25:35 10 A. I know it since it became the Palestinian
15:25:40 11 charter instead of being the nationalist charter.

15:25:45 12 Q. Has that document changed?

15:25:54 13 A. The name, the land, and lots have changed.

15:25:58 14 Q. Uh-huh. The PLO charter, as it exists today,
15:26:03 15 are you familiar with it?

15:26:14 16 A. Yes, I do. It is still as is since 1965.

15:26:20 17 MR. SCHOEN: Say again? I didn't hear you.

15:26:22 18 OFFICIAL INTERPRETER AGHAZARIAN: "It is as
15:26:23 19 is since 1965."

15:26:25 20 Q. BY MR. SCHOEN: I see. And you're familiar
15:26:26 21 with it?

15:26:26 22 A. Since 1968.

15:26:34 23 Q. You're familiar with that charter?

15:26:37 24 A. '86 [sic].

15:26:44 25 CHECK INTERPRETER HAZOU: '68. '68. Okay.

15:26:47 1 Okay. No problem.

15:26:48 2 Q. BY MR. SCHOEN: Okay. You're familiar with
15:26:50 3 that charter?

15:26:52 4 You -- you know what's written there?

15:27:03 5 A. And, in 2001, it has been changed by the
15:27:07 6 Palestinian National Council.

15:27:11 7 OFFICIAL INTERPRETER BEN-NAIM: "Published."

15:27:13 8 MR. SCHOEN: Published?

15:27:14 9 CHECK INTERPRETER HAZOU: No, no, no.

15:27:14 10 Can you repeat?

15:27:15 11 THE WITNESS: It was re-published in 2001
15:27:20 12 on behalf of the PNC.

15:27:24 13 Q. BY MR. SCHOEN: As that charter reads since
15:27:26 14 2001 --

15:27:29 15 MR. ROCHON: Wait just one second, please.

15:27:31 16 CHECK INTERPRETER HAZOU: I didn't -- did you
15:27:34 17 say "re-published"?

15:27:37 18 OFFICIAL INTERPRETER AGHAZARIAN:

15:27:37 19 "Re-published."

15:27:37 20 (Comment in Arabic by Official Interpreter
15:27:37 21 Aghazarian.)

15:27:39 22 CHECK INTERPRETER HAZOU: Okay. Thanks.

15:27:40 23 Q. BY MR. SCHOEN: As that charter reads since
15:27:42 24 2001, do you agree with the charter?

15:27:57 25 A. I agree on it from 1968 until this moment.

15:28:02 1 Q. Okay. When you became a member of the PLO
15:28:04 2 Executive Committee, did you have to take any sort of
15:28:09 3 loyalty oath to the PLO?

15:28:26 4 A. There is no loyalty oath to the PLO.

15:28:29 5 Q. And when you serve -- in your capacity as
15:28:35 6 a PLO Executive Committee member, do you know whether
15:28:45 7 the factions that are members of the PLO also have
15:28:53 8 their own charter?

15:29:04 9 A. Of course. Every faction has its -- its
15:29:08 10 platform.

15:29:10 11 Q. And, for example, in the PFLP, is that
15:29:12 12 platform in writing?

15:29:16 13 MR. ROCHON: Counsel.

15:29:18 14 OFFICIAL INTERPRETER BEN-NAIM: Can I
15:29:19 15 translate?

15:29:20 16 MR. ROCHON: Go ahead, sir. Sorry.

15:29:22 17 OFFICIAL INTERPRETER BEN-NAIM: Can you --

15:29:26 18 Q. BY MR. SCHOEN: For the -- for the PFLP, is
15:29:30 19 that platform in writing?

15:29:37 20 MR. ROCHON: Objection. Are you moving to
15:29:38 21 the PFL [sic] portion of your examina -- PFLP portion
15:29:42 22 of your examination now?

15:29:44 23 MR. SCHOEN: No. I'm asking him, in his
15:29:45 24 capacity as a PLO Executive Committee member -- what
15:29:46 25 I intend to ask him is how he -- how that affects his

15:29:51 1 duty, if at all, to the PLO if that charter were in
15:29:54 2 conflict with the PLO charter?

15:29:59 3 MR. ROCHON: If -- if -- if that's the case,
15:29:59 4 then whether or not it's in writing isn't the issue.
15:30:02 5 It's just whether they conflict. And if you want to
15:30:04 6 ask him about that, I don't object. I just wanted to
15:30:06 7 make sure we're staying on the PLO Executive Committee
15:30:08 8 portion of the examination until it ends.

15:30:11 9 MR. SCHOEN: Yeah.

15:30:11 10 MR. ROCHON: Details about -- so -- okay.

15:30:13 11 MR. SCHOEN: I -- I am. But he used the
15:30:15 12 word -- he used the word "platform." And that has
15:30:16 13 several different meanings to me. So that's why I was
15:30:19 14 trying to establish whether or not there is a written
15:30:22 15 charter so that I could then ask him my question about
15:30:26 16 that.

15:30:27 17 THE WITNESS: Every Palestinian faction,
15:30:52 18 every Palestinian party has its own platform. So they
15:30:59 19 head together to the P -- PNC in order to bridge the
15:31:04 20 gap and come out with a common vision that encompasses
15:31:10 21 all the different forces.

15:31:11 22 Q. BY MR. SCHOEN: And as a member of the PLO
15:31:14 23 Executive Committee, do you believe the PFLP platform
15:31:22 24 or charter, as you understand it to exist, is consistent
15:31:32 25 with the platform and mission of the PLO?

15:31:53 1 A. It is not necessary that -- that it is in
15:31:56 2 line to agree with -- with it, because the issue is
15:32:00 3 not to find a common ground. And as -- as far as
15:32:19 4 I'm concerned, within the PLO, I represent the PFLP.
15:32:21 5 And this is quite well-known.

15:32:26 6 CHECK INTERPRETER HAZOU: No, no, no, no, no.

15:32:30 7 "As far as I'm concerned, the program of the
15:32:34 8 PFLP is something different than the PLO. In the PLO,
15:32:38 9 I have to abide by the program of the PLO."

15:32:43 10 That's what he said.

15:32:46 11 OFFICIAL INTERPRETER AGHAZARIAN: Okay.

15:32:48 12 Q. BY MR. SCHOEN: Do you feel, in your capacity
15:32:50 13 as a member of the PLO Executive Committee, that there's
15:32:58 14 a conflict with the platform of -- between the PLO's
15:33:04 15 platform and the PFLP's platform?

15:33:18 16 A. You do not allow, as Israelis, any possibility
15:33:22 17 for this kind of harmony. Because -- because we, in the
15:33:48 18 PLO, as well as the P -- PFLP and all the components of
15:33:53 19 the Palestinian people, our only target, objective is to
15:33:57 20 put an end to the occupation and implement international
15:34:02 21 legitimacy.

15:34:03 22 Q. Have you, Mr. Malouh, as a member of the PLO
15:34:06 23 Executive Committee, ever told anyone with the PLO that
15:34:18 24 you believe the PFLP has a platform or charter that's
15:34:30 25 not consistent with the PLO's mission?

15:34:39 1 MR. ROCHON: Objection. Objection to the
15:34:40 2 form of the question.

15:34:42 3 But go ahead.

15:34:46 4 THE WITNESS: I don't need to say that.
15:34:54 5 Because the platform of the PLO and the PFLP is down
15:34:58 6 there in the street.

15:34:59 7 Q. BY MR. SCHOEN: Do you believe that there's
15:35:00 8 a conflict between the two?

15:35:10 9 MR. ROCHON: Objection. Calls for an opinion
15:35:12 10 answer. And the witness isn't here as an expert.

15:35:16 11 Go ahead and answer, though.

15:35:21 12 (Comment in Arabic by someone in Ramallah.)

15:35:54 13 THE WITNESS: There might be contradictions.
15:35:56 14 But, however, within the -- through the PNC, a consensus
15:36:00 15 is reached after filtering the opinion of every faction.

15:36:04 16 And they all mold into the -- the program,
15:36:07 17 the -- the platform of the -- of the PNC and -- which --
15:36:12 18 which is based on the basic principles of return,
15:36:19 19 self-determination, and end of occupation.

15:36:20 20 Q. BY MR. SCHOEN: (Not translated.) Under whose
15:36:22 21 auspices or control is the PNC? The PLO or the PNA?

15:36:28 22 MR. McALEER: Objection as to form.

15:36:31 23 Q. BY MR. SCHOEN: (Not translated.) Under
15:36:33 24 whose -- under whose control is the PNC?

15:36:35 25 OFFICIAL INTERPRETER BEN-NAIM: "The PNC"?

15:36:47 1 (Comment in Arabic by Official Interpreter
15:36:47 2 Aghazarian.)

15:36:47 3 (Pending question translated.)

15:36:49 4 Q. BY MR. SCHOEN: Is the PNC part of the PLO?

15:37:33 5 A. Despite the fact that I did not come here in
15:37:35 6 order to expose my personal opinion in this direction
15:37:39 7 or otherwise, you are trying to drag us, with the people
15:37:43 8 that you are consulting with, in order to -- I very
15:37:49 9 clearly say that it is the -- the PNC position that
15:37:53 10 we endorse.

15:37:54 11 Q. Do you believe, as a member of the PLO
15:37:58 12 Executive Committee, that the positions taken by
15:38:05 13 the PFLP and the actions taken by the PFLP --

15:38:19 14 CHECK INTERPRETER HAZOU: Hang on. We did
15:38:20 15 not hear the translation. Neither did the witness hear
15:38:24 16 the translation. Can you repeat this, please?

15:38:27 17 (Brief exchange in Arabic between Official
15:38:27 18 Interpreter Ben-Naim and Check Interpreter Hazou.)

15:38:33 19 THE WITNESS: Repeat the question, please.

15:38:35 20 Q. BY MR. SCHOEN: Sure. Let me repeat.

15:38:36 21 As a member of the PLO Executive Committee,
15:38:38 22 do you believe that, since you have been a member of
15:38:44 23 the PLO Executive Committee, that the actions taken by
15:38:55 24 the PFLP are consistent with the platform of the PLO?

15:39:14 25 MR. ROCHON: Objection. Vague.

15:39:16 1 What actions? Counsel, do you have something
15:39:29 2 specifically? Are you asking from the inception until
15:39:32 3 now? What -- what are you -- this question is too
15:39:34 4 vague.

15:39:40 5 MR. SCHOEN: I've asked the witness my
15:39:41 6 question. And I don't think it's appropriate for
15:39:44 7 the lawyer to interject with a speaking objection.

15:40:01 8 THE WITNESS: First, it is the right of
15:40:02 9 the lawyer to interfere when he sees a need for that
15:40:10 10 in this direction or otherwise. It is clear that it
15:40:23 11 is the right of the lawyer to say "stop" and interfere
15:40:27 12 here and this [sic] so that we continue this odyssey
15:40:34 13 together.

15:40:42 14 But in what concerns the PLO, let us leave
15:40:50 15 this.

15:41:20 16 (Comment in Arabic by the witness.)

15:41:21 17 Q. BY MR. SCHOEN: The lawyer has to step in
15:41:22 18 during the questions. We've asked you --

15:41:26 19 MR. ROCHON: Wait. Counsel, we have to
15:41:26 20 translate what the witness said before you start.

15:41:27 21 THE WITNESS: I do not know about this
15:41:28 22 position or that position. I have made it clear
15:41:31 23 that the PLO is a formation which has political and
15:41:37 24 social components. There are those who agree, and
15:41:40 25 there are those who disagree. There is a problem --

15:41:42 1 a platform which is there, and this is the binding
15:41:48 2 element.

15:41:53 3 Q. BY MR. SCHOEN: Mr. Malouh, when you are
15:41:56 4 working as a member of the PLO Executive Committee,
15:42:05 5 do you suspend your work on behalf of the PFLP?

15:42:20 6 A. Of course, I am -- of course -- of course,
15:42:37 7 I am elected to the PNC. And in such a character,
15:42:41 8 I reiterate that the PLO is a political, social
15:42:46 9 formation which is united for all the people combined.

15:42:51 10 Q. Yeah. My question to you is: Is there any
15:42:53 11 time when you're operate -- operating as a member of
15:42:58 12 the PLO Executive Committee that you stop operating
15:43:12 13 as an official with the PFLP?

15:43:46 14 A. There are always invitations for different
15:43:50 15 calls. And I am -- I combine being a member of the
15:43:55 16 Palestinian National Council and the Central Council,
15:43:56 17 as well as the Executive Committee. I did not ever
15:44:02 18 stop any of the invitations, and -- I did not stop
15:44:08 19 any invitations. And we -- only in the period when
15:44:12 20 my membership I decided to freeze during that period.

15:44:16 21 Q. Yeah. I -- I'm not sure you understood my
15:44:19 22 question.

15:44:19 23 My question is: When you're working with
15:44:25 24 the PLO Executive Committee or the Central Committee
15:44:39 25 or the PNC, are you also working for the PFLP?

15:45:09 1 A. I am the representative of the PFLP within
15:45:12 2 the framework of the PLO. I conduct political action
15:45:17 3 on behalf of the PFLP within the PLO.

15:45:20 4 Q. Okay. You mentioned now the PNC.

15:45:27 5 Are you a member of the PNC?

15:45:39 6 A. A precondition is that all members of the
15:45:42 7 Executive Committee and the Central Committee to be
15:45:44 8 members of the PNC.

15:45:46 9 Q. So the answer's "yes"?

15:45:49 10 (Comment in Arabic by the witness.)

15:45:50 11 Q. BY MR. SCHOEN: Are you a member also of the
15:45:52 12 Central Committee [sic]?

15:45:52 13 (Comment in Arabic by the witness.)

15:46:00 14 CHECK INTERPRETER HAZOU: The "Central
15:46:00 15 Council."

15:46:01 16 THE WITNESS: The Central Council.

15:46:03 17 Q. BY MR. SCHOEN: Okay. So you're a member
15:46:04 18 of the PNC, the Executive Committee, and the Central
15:46:07 19 Council of the PLO; correct?

15:46:27 20 A. A prerequisite to be a member of the Executive
15:46:30 21 Committee and in the Central Committee, it is to be a
15:46:32 22 member of the PNC.

15:46:36 23 Q. We talked about when you first became a member
15:46:38 24 of the Executive Committee.

15:46:48 25 When did you become a member of the central

15:46:51 1 commit -- Central Council?

15:47:05 2 A. I became a member -- I became a member of
15:47:18 3 the PNC in -- around the year '78, '79 and a member
15:47:24 4 of the Central Committee in the mid '80s.

15:47:28 5 Q. And have you been a member of those committees
15:47:33 6 or councils continually since you joined those councils?

15:47:57 7 A. Since I have joined the PNC, I have been a
15:48:00 8 member on a regular basis in these various councils.

15:48:04 9 Q. Okay. When you joined any of these councils,
15:48:10 10 the PNC --

15:48:11 11 MR. SCHOEN: Go ahead.

15:48:14 12 (Pending partial question translated.)

15:48:18 13 Q. BY MR. SCHOEN: -- the Executive Committee,
15:48:22 14 or the Central Council, did you replace someone else?

15:49:12 15 A. I was -- first joined the PNC in 1977. I
15:49:17 16 did not replace anybody. Actually, new members come
15:49:21 17 into the PNC each three years.

15:49:24 18 And also, in the Central Council, I became
15:49:28 19 a member after 1987 in Algeria. Again, I did not
15:49:34 20 replace anybody. But I joined the Executive Committee
15:49:36 21 in 1991 after the death of Abu Ali Mustafa.

15:49:48 22 (Comment in Arabic by the witness.)

15:49:49 23 THE WITNESS: (In English.) Without "death."
15:49:50 24 Without "death."

25 //

(Brief exchange in Arabic between Official Interpreter Aghazarian and Official Interpreter Ben-Naim.)

THE WITNESS: He -- he was -- he did not die in -- in -- in '91. He -- he died on the 27th of August, 2001.

Q. BY MR. SCHOEN: And you replaced Mr. Ali Mustafa?

A. Yes.

Q. And --

A. In 1991, he was a member of the PNC -- no -- the Executive Committee since 1987.

CHECK INTERPRETER HAZOU: While he was a member of the Executive Committee since 1987, and he replaced him. I'm talking about -- and he replaced him in 2000 -- in 1991.

THE WITNESS: (In English.) Yes.

Q. BY MR. SCHOEN: Ali Mustafa also was PFLP?

He was a PFLP representative to the Executive Committee?

A. Abu Ali Mustafa, who was martyred on the 27th of August, 2001, by Israeli airplanes and -- and rockets, he was a member of the Executive Committee.

Q. Yes. And was he a PFLP representative on the Executive Committee?

15:51:53 1 A. Or was he representing himself? He was not
15:52:05 2 representing himself.

15:52:08 3 Q. He was a member of the PFLP who served on the
15:52:11 4 Executive Committee?

15:52:19 5 A. He was the general secretary of the PFLP since
15:52:23 6 2000. Before that, he was the deputy of the general
15:52:26 7 secretary of the Front.

15:52:29 8 Q. And was there any PFLP representative on the
15:52:33 9 Executive Committee before Mr. Mustafa?

15:52:46 10 A. Before him, there was Abu Mahir Al-Yamani.

15:52:51 11 Q. And when you were in prison for those years,
15:53:00 12 do you know whether another PFLP member served on the
15:53:04 13 Executive Committee?

15:53:25 14 A. The position is safeguarded. As long as I'm
15:53:31 15 there, there is an allocation of a position in -- within
15:53:37 16 the Executive Committee.

15:53:38 17 MR. SCHOEN: Okay. If we take a ten-minute
15:53:40 18 break now, I may be finished on the exec -- not that
15:53:44 19 I accept that there is any distinction between the
15:53:47 20 Executive Committee and the others.

15:53:47 21 But for these purposes, based on the judge's
15:53:50 22 order, we may be finished. I just want to talk with
15:53:54 23 the other lawyers for ten minutes about it. I may come
15:53:56 24 back with more questions. But I'm trying to shortcut
15:53:59 25 it if I can.

15:54:01 1 MR. ROCHON: You're -- you're asking for a
15:54:03 2 break? How long do you want?

15:54:05 3 MR. SCHOEN: Ten minutes.

15:54:07 4 MR. ROCHON: Done.

15:54:12 5 (Recess from 3:54 p.m. to 4:10 p.m.)

16:10:04 6 Q. BY MR. SCHOEN: Just a couple more questions,
16:10:05 7 Mr. Malouh, in this area.

16:10:11 8 You -- you mentioned before that your --
16:10:15 9 I'm going to call "portfolio" is the Arab relations
16:10:25 10 department. In that capacity, what is your job?

16:10:35 11 What do you do?

16:10:48 12 A. First of all, I do not leave here by an
16:10:54 13 Israeli decision from the OPT.

16:10:57 14 Q. I don't know what that means.

16:10:59 15 A. The occupied Palestinian territories.

16:11:05 16 Q. Oh.

16:11:02 17 A. They -- they -- they prevent me from leaving,
16:11:09 18 whether it is the Civil Administration or other Israeli
16:11:13 19 parties. Since -- since I have left prison -- since I
16:11:40 20 have left prison --

16:11:42 21 Q. One second. We just have to translate.

16:11:45 22 A. I have left twice, one in 2008 and the --
16:11:48 23 the second time in 2009, through an Egyptian
16:11:54 24 coordination with the -- with the Shabak, during
16:11:56 25 the period for negotiations -- during the period

16:11:58 1 of Hosni Mubarak.

16:12:10 2 During this -- during this period, it is
16:12:17 3 the department of Arab affairs, relations with Arab
16:12:22 4 work. Unfortunately, this department, its relation
16:12:35 5 with the Arab parties outside is quite limited.

16:12:39 6 MR. SCHOEN: "Is quite limited"?

16:12:41 7 OFFICIAL INTERPRETER AGHAZARIAN: "Limited."

16:12:53 8 THE WITNESS: Those who come here like, you
16:12:55 9 know, the Rafah Jordanian party and however activity
16:13:01 10 on the outside front is very limited due to Israeli
16:13:04 11 measures.

16:13:05 12 Q. BY MR. SCHOEN: In your job with the Arab
16:13:07 13 relations department or any way with your job with
16:13:16 14 the PLO -- or in any capacity in your job with the PLO,
16:13:25 15 have you ever asked for or been asked for money to be --

16:13:48 16 A. I did not request. And no one -- I did not
16:13:51 17 request, and no one requested from me.

16:13:54 18 Q. So your job does not in any way involve asking
16:13:59 19 for or giving out funds to different factions?

16:14:12 20 A. I did not request, and no one requested from
16:14:14 21 me.

16:14:15 22 Q. Mr. Malouh, when you're acting in a job for
16:14:20 23 the PLO, how do you tell -- how do you decide --

16:14:32 24 MR. SCHOEN: Go ahead.

16:14:34 25 (Pending partial question translated.)

16:14:37 1 Q. BY MR. SCHOEN: -- if your actions are in your
16:14:42 2 capacity as a member of the PLO or in your capacity as
16:14:48 3 a member of the PFLP? How do you tell?

16:15:07 4 A. It -- it has to do with the way that the PFLP
16:15:11 5 looks at matters or the PLO.

16:15:14 6 Q. Can you explain that further? I don't know
16:15:16 7 what you mean.

16:15:42 8 A. For instance, the pal -- the -- the support
16:15:43 9 for the Palestinian people and the national movement,
16:15:46 10 its positions are -- are debated, discussed. And then
16:15:50 11 it comes out as a summary of all the inputs in it.

16:15:56 12 Q. No, I'm asking a different question, I think.
16:16:00 13 I'm asking you: When you take action any
16:16:03 14 given day, how do you tell if that's Mr. Malouh, the
16:16:13 15 PLO member, or Mr. Malouh, the PFLP member?

16:16:34 16 A. In both directions. I wear both hats.

16:16:38 17 Q. Both hats at the same time?

16:16:46 18 A. I make them one hat.

16:16:49 19 Q. Okay. And when you learn something, some
16:16:54 20 kind of fact, when you learn a fact when you're working
16:16:58 21 in the PLO -- are you looking at something particular,
16:17:02 22 Mr. Malouh? I see you looking to the right.

16:17:21 23 A. I look right and I look up. And when I look
16:17:26 24 straight forward, you are always facing me.

16:17:31 25 Q. I'm sorry I'm not more handsome.

16:17:38 1 By -- by the way, you mentioned before --
16:17:41 2 you referred to me as -- as an Israeli. I just -- I
16:17:48 3 just want to make sure you understand I'm an American.
16:17:57 4 A. There is no difference in front of me as long
16:18:00 5 as you wear the kippah.
16:18:03 6 Q. Aah. So I'm a Jew to you no -- whether I'm
16:18:06 7 American or Israeli, I'm a Jew?
16:18:10 8 MR. ROCHON: Counsel. Counsel, objection.
16:18:15 9 Mr. Malouh -- Counsel, we shouldn't interject personal
16:18:21 10 issues as to what he thinks of you.
16:18:23 11 MR. SCHOEN: No. No, no. He raised the
16:18:24 12 kippah. He raised the yarmulke issue.
16:18:32 13 MR. ROCHON: No. No. You -- you raised
16:18:32 14 the -- what citizenship --
16:18:35 15 MR. SCHOEN: That's right. And he mentioned
16:18:37 16 my yarmulke. Not my face, not my hair color, not my
16:18:42 17 language.
16:18:53 18 MR. ROCHON: Whatever your view of that is,
16:18:54 19 we should not personalize this with your further
16:18:58 20 questions. But go ahead and proceed with your
16:19:13 21 examination as you see fit.
16:19:15 22 (Comment in Arabic by the witness.)
16:19:16 23 MR. ROCHON: There's no question -- there's
16:19:21 24 no question pending that I know of, is there?
16:19:28 25 MR. SCHOEN: What did Mr. Malouh just say?

16:19:44 1 THE WITNESS: I say I have no problem with
16:19:46 2 Jews. And, you know, I -- I know that I'm sitting with
16:19:55 3 Jews. And I know that you are in Petach Tikva. I have
16:19:58 4 no problem in dialoguing with you since this morning.

16:20:02 5 Q. BY MR. SCHOEN: Mr. Malouh, to return to the
16:20:05 6 other subject, it's fair to say you wear both hats at
16:20:09 7 the same time, all the time -- correct? -- PLO and PFLP?

16:20:25 8 (Brief exchange in Arabic between Official
16:20:28 9 Interpreter Ben-Naim and Check Interpreter Hazou.)

16:21:01 10 THE WITNESS: Is this according to me, the
16:21:03 11 way I think, or my personality or in what --

16:21:06 12 Q. BY MR. SCHOEN: The way you think.

16:21:08 13 A. -- relationship?

16:21:09 14 Q. The way you think. That's all.

16:21:26 15 A. I know that I work for the PLO, within the
16:21:28 16 ranks of the people, and as a representative of the
16:21:32 17 PFLP and the contribution in this direction.

16:21:36 18 Q. Okay. Mr. Malouh, when you were released
16:21:43 19 from prison -- when you were in prison, you were still
16:21:45 20 a member of the PLO Executive Committee; correct?

16:21:47 21 (Pending question partially translated.)

16:21:59 22 MR. SCHOEN: "PLO Executive Committee."

16:22:02 23 (Remainder of pending question translated.)

16:22:11 24 THE WITNESS: I have been and continue to
16:22:12 25 be -- I have been and continue to be a member since

1991. And although, in 1993, there was freezing and imprisonment, I have continued to be a member. Because ending this status requires a meeting of the PNC for either changing or for any behavioral aberrations.

Q. BY MR. SCHOEN: And when you were released from prison in -- what's the date? What was the date?

A. 20 July, 2007.

Q. On the 20th of July of 2007, when -- when you were released, you were released early before your sentence was finished; correct?

A. It was -- there was a mediation from Abu Mazen and Erekat with the minister of security, who was a member of the Labor party --

MR. HALLER: "Minister of defense."

MR. SCHOEN: Go ahead.

OFFICIAL INTERPRETER AGHAZARIAN: "Minister of security," he said.

(Comment in Arabic by Official Interpreter Aghazarian.)

MR. SCHOEN: Go ahead and say what you're saying.

MR. HALLER: Okay.

OFFICIAL INTERPRETER AGHAZARIAN: "Minister of security." That's what he said.

THE WITNESS: -- who was a member of the Labor

16:24:11 1 party. This is what paved the way for my early release.

16:24:16 2 Q. BY MR. SCHOEN: Mr. Abbas -- who -- who is Abu
16:24:18 3 Mazen?

16:24:20 4 A. The head of the Executive Committee and the
16:24:29 5 head of the future Palestinian state and head of the
16:24:37 6 PNA, who is elected by the Palestinian people.

16:24:40 7 Q. Otherwise known as Mr. Abbas? Same person?

16:24:52 8 A. He is Abu Mazen and he is Mahmoud Abbas.

16:24:56 9 Q. He negotiated for your release?

16:25:18 10 A. He -- he contacted me. He called me in
16:25:22 11 Ansar III and in Ketziot detention center. And --
16:25:32 12 and they called me. Saeb Erekat talked to me in the
16:25:39 13 room of the head warden of the prison.

16:25:41 14 Q. To talk to you about your release, that he
16:25:44 15 was negotiating for your release?

16:25:55 16 A. I think so.

16:25:56 17 Q. Who is Saeb Erekat?

16:26:08 18 A. He is a member of the Executive Committee
16:26:11 19 and of the Central Committee. And he's in charge of
16:26:14 20 the negotiations department within the PLO.

16:26:18 21 Q. Mr. Malouh, my colleague is going to put on
16:26:21 22 the screen a -- a document.

16:26:32 23 MR. HALLER: They have to click it in there.

16:26:34 24 THE WITNESS: I should mention that, during
16:26:39 25 that period, I wasn't alone to be released. I was

16:26:42 1 released -- we -- we were a group of people who were
16:26:53 2 released and -- and -- next to the Ofer detention
16:26:58 3 center.

16:26:58 4 Q. BY MR. SCHOEN: Any other PFLP people released
16:27:01 5 in this negotiation?

16:27:07 6 A. I don't know. All the prison -- prisoners are
16:27:08 7 mixed together.

16:27:10 8 Q. You don't know whether any PFLP person was
16:27:13 9 released in the negotiation?

16:27:26 10 A. Because I had been only one day in this new
16:27:30 11 prison. I used to be in Hadarim. And I was brought up
16:27:33 12 the day before to Ansar III as a prelude to be released.

16:27:37 13 Q. Yeah. I was really just asking you whether
16:27:39 14 you know if any other PFLP prisoners were released in
16:27:44 15 this negotiation?

16:27:47 16 A. I don't know.

16:27:47 17 MR. SCHOEN: Okay. I need to ask the person
16:27:50 18 in the video room to click something.

16:27:52 19 Mordechai. Mordechai.

16:27:53 20 MR. HALLER: Yeah. Tell me what you want
16:28:13 21 to do.

16:28:15 22 Q. BY MR. SCHOEN: Up on the screen, Mr. Malouh,
16:28:16 23 can you see it? Can you see the document?

16:28:27 24 A. I don't see it clearly.

16:28:29 25 Q. Oh, you don't see it clearly. So I'll make

16:28:31 1 it bigger. Do you want it to be bigger? Smaller?

16:28:36 2 Where's the text?

16:28:38 3 A. (In English.) It must be bigger.

16:28:38 4 MR. ROCHON: Counsel, it's fuzzy.

16:28:43 5 CHECK INTERPRETER HAZOU: Yeah. The letters

16:28:44 6 must be -- are not conspicuous. The letters are not

16:28:47 7 conspicuous at all.

16:28:49 8 Q. BY MR. SCHOEN: Let me -- let me ask you a

16:28:50 9 question, Mr. Malouh.

16:28:55 10 Do you know who Rabah Muhanna --

16:28:56 11 OFFICIAL INTERPRETER BEN-NAIM: "Muhanna."

16:28:57 12 Q. BY MR. SCHOEN: -- Muhanna is? Sorry.

16:29:07 13 A. Yes. I know Rabah Muhanna. And he is in

16:29:15 14 Gaza.

16:29:22 15 Q. Who is Rabah Muhanna?

16:29:15 16 A. He was in charge of the PFLP. And he was also

16:29:25 17 in charge of medical affairs, because he's a medical

16:29:28 18 doctor by formation.

16:29:30 19 Q. (Not translated.) And do you know Jamil

16:29:32 20 Mizher?

16:29:34 21 OFFICIAL INTERPRETER AGHAZARIAN: Jamil

16:29:34 22 Mizher?

16:29:34 23 MR. SCHOEN: "Mizher." Sorry.

16:29:39 24 THE WITNESS: I haven't met him. But, of

16:29:42 25 course, the name is familiar.

16:29:43 1 Q. BY MR. SCHOEN: Also PFLP?

16:29:51 2 A. He can introduce himself.

16:29:53 3 Q. In your position as a member of the PLO

16:29:57 4 Executive Committee or any other council or committee

16:30:00 5 with the PLO, do you recall either of these men?

16:30:04 6 (Pending question partially translated.)

16:30:14 7 OFFICIAL INTERPRETER BEN-NAIM: "Do you

16:30:15 8 recall?"

16:30:15 9 MR. SCHOEN: "Either of these men."

16:30:16 10 (Remainder of pending question translated.)

16:30:16 11 (Comment in Arabic by the witness.)

16:30:20 12 MR. SCHOEN: Let me finish. He has to let

16:30:23 13 me finish.

16:30:25 14 THE WITNESS: Maybe Rabah Muhanna could get

16:30:34 15 in touch with me, you know, from his part. But Jamil

16:30:37 16 Mizher, he's not close.

16:30:40 17 Q. BY MR. SCHOEN: Okay. Do you recall either

16:30:42 18 of them at any time asking you or anyone at the PLO

16:30:48 19 that you're aware of for more funds for the PFLP from

16:30:52 20 the PLO?

16:30:53 21 OFFICIAL INTERPRETER BEN-NAIM: "Asking you"?

16:31:05 22 Q. BY MR. SCHOEN: Asking you or anyone at the

16:31:06 23 PLO that you're aware of?

16:31:07 24 (Pending question partially translated.)

16:31:14 25 OFFICIAL INTERPRETER BEN-NAIM: Asking for

16:31:16 1 more what?

16:31:17 2 MR. SCHOEN: Funds. More money.

16:31:18 3 (Remainder of pending question translated.)

16:31:21 4 THE WITNESS: From my part, I don't recall.

16:31:27 5 And the others, I don't know.

16:31:31 6 Q. BY MR. SCHOEN: When you say you don't recall,
16:31:32 7 is it possible they asked you for more money from the
16:31:35 8 PLO or complained that they weren't getting enough money
16:31:43 9 from the PLO?

16:32:02 10 MR. ROCHON: I'm not sure, but I think his
16:32:04 11 counsel may have an objection or --

16:32:06 12 Q. BY MR. SCHOEN: I'm asking him as a -- in
16:32:07 13 his role in the PL -- as a member of the PLO, if he
16:32:15 14 recalls --

16:32:19 15 OFFICIAL INTERPRETER BEN-NAIM: Go ahead.

16:32:20 16 Q. BY MR. SCHOEN: -- either of these men asking
16:32:24 17 the PLO for more money for them and their work in the
16:32:35 18 PFLP?

16:32:41 19 MR. McALEER: Objection. Asked and answered.

16:33:24 20 THE WITNESS: I truly do not recall whether
16:33:27 21 there were requests specifically. But it is very
16:33:31 22 common that always people ask for support for Gaza
16:33:35 23 and otherwise. But I personally do not recall that
16:33:41 24 Rabah or Jamil Mizher have asked for any financial
16:33:47 25 assistance through me.

16:33:48 1 Q. BY MR. SCHOEN: Sometimes people ask from
16:33:50 2 these factions, and sometimes the PLO gives the money?

16:33:53 3 MR. McALEER: Objection as to form. Lack
16:34:03 4 of foundation.

16:34:05 5 THE WITNESS: This is your opinion.

16:34:08 6 Q. BY MR. SCHOEN: I'm asking you a question.

16:34:15 7 A. I say this is your opinion. I do not recall
16:34:18 8 that.

16:34:19 9 Q. I'm not speaking now about them. I'm speaking
16:34:22 10 in general.

16:34:23 11 You said they may have asked. So I'm saying
16:34:30 12 sometimes people from the factions ask --

16:34:40 13 A. I personally do not recall. I'm speaking
16:34:43 14 for myself.

16:34:44 15 MR. SCHOEN: Okay. The next questions,
16:34:47 16 I have no way of knowing whether this -- whether
16:35:03 17 Mr. Malouh knows the answers, if at all, in his
16:35:10 18 capacity with the PLO or in his capacity with the PFLP.
16:35:26 19 I think, again, from his testimony, the answer's got
16:35:29 20 to be in both capacities at once. But I'm going to --
16:35:34 21 I'll ask -- go ahead.

16:35:35 22 (Last colloquy translated.)

16:35:36 23 MR. SCHOEN: I'll ask the question, and you
16:35:44 24 can decide how to proceed.

16:35:49 25 Q. BY MR. SCHOEN: Mr. Malouh, do you know

16:35:56 1 whether the PLO has ever provi -- provided money for
16:36:10 2 a PFLP office?

16:36:30 3 A. I have already answered that question that
16:36:32 4 I do not at all absolutely know whether there was a
16:36:36 5 request or other kind of works.

16:36:40 6 Q. Do you know whether the PFLP has offices?

16:37:00 7 A. In all areas, there are offices. But whether
16:37:03 8 these offices are financed by the PLO, I -- I do not
16:37:07 9 know.

16:37:08 10 Q. No, my question this time was just: Does
16:37:11 11 the PFLP have offices?

16:37:26 12 A. Are you asking if there is an office in
16:37:28 13 Algeria? Yes, there is an office in Algeria.

16:37:32 14 Q. Is there -- in the period 1996 to 2002 -- let
16:37:36 15 me narrow it there -- did -- did the PFLP have an office
16:37:45 16 in Ramallah?

16:37:53 17 A. Of course.

16:37:53 18 Q. In that same --

16:38:00 19 A. In all the governorates, there are offices
16:38:04 20 for the PFLP.

16:38:05 21 Q. What does that mean? In all of the what?

16:38:09 22 OFFICIAL INTERPRETER AGHAZARIAN:

16:38:08 23 "Governorates." "Districts."

16:38:09 24 MR. HALLER: "Governorates."

16:38:11 25 MR. SCHOEN: What's a "governorate"?

16:38:13 1 MR. HALLER: "District."

16:38:13 2 OFFICIAL INTERPRETER AGHAZARIAN:

16:38:13 3 "Governorate."

16:38:13 4 (Comment in Arabic by the witness.)

16:38:14 5 CHECK INTERPRETER HAZOU: "Governorate."

16:38:20 6 MR. SCHOEN: Yes.

16:38:20 7 THE WITNESS: For example, in Gaza, there is
16:38:22 8 a PFLP office.

16:38:23 9 Q. BY MR. SCHOEN: Okay. How about in that same
16:38:23 10 time period -- I'm talking around 1996 to 2002 -- did
16:38:37 11 the PFLP operate an office in Kalkilya?

16:38:50 12 A. I don't know. I have visited Kalkilya more
16:38:53 13 than once. I don't know.

16:38:54 14 Q. You don't know if the PFLP ever has had an
16:38:58 15 office in Kalkilya?

16:39:14 16 A. I don't know that there are offices for the
16:39:16 17 PFLP there. I visited my relatives there.

16:39:20 18 Q. In what cities do you know that there are PFLP
16:39:24 19 offices between 1996 and 2002?

16:39:37 20 A. I won't -- I won't -- I won't respond to this
16:39:43 21 question. In all towns -- let's say wherever there are
16:39:49 22 PFLP, they have offices in all the states.

16:39:52 23 Q. Okay. Mr. Malouh, since 1990 -- in the period
16:40:02 24 1996 through today, what is your position with the PFLP?

16:40:31 25 A. I already answered on this question that I

16:40:34 1 work in the political -- political action as well as
16:40:39 2 within the framework of the PLO.

16:40:42 3 Q. Uh-huh. And do you have a title with the PFLP
16:40:45 4 during this time period?

16:40:57 5 MR. McALEER: Couns -- hold on. Counsel, are
16:40:59 6 you now in the -- hold -- hold on -- hold on.

16:41:04 7 MR. ROCHON: Objection. There's an objection.
16:41:05 8 Go ahead.

16:41:06 9 THE WITNESS: My name is Abdel Rahim Mahmoud
16:41:08 10 Malouh -- Malouh.

16:41:10 11 MR. McALEER: Counsel, are you now into part
16:41:12 12 two of the deposition --

16:41:13 13 MR. SCHOEN: What I said before --

16:41:13 14 MR. McALEER: -- as required to the Court's
16:41:14 15 order?

16:41:15 16 MR. SCHOEN: What I said before is: I
16:41:16 17 don't know how to answer that. I don't know, on these
16:41:18 18 questions, whether his knowledge comes from his capacity
16:41:22 19 with the PLO Executive Committee or some other capacity.
16:41:25 20 I asked him before, and he said he wears the same hat
16:41:29 21 at both times -- at all times.

16:41:30 22 MR. McALEER: No aspect of your question
16:41:33 23 relates to the PLO. You asked him for his position
16:41:36 24 at the PFLP. So I'll take your question and your
16:41:38 25 absence of ability to discern as an indication that

16:41:42 1 you are now into part two of your examination of the
16:41:46 2 witness.

16:41:48 3 MR. SCHOEN: Take it as you will. I don't
16:41:50 4 know the answer to that. So however you think is
16:41:54 5 appropriate to act.

16:41:55 6 Q. BY MR. SCHOEN: Mr. Malouh, do you know
16:42:01 7 a person by the name of Ra'ed Nizzal -- Nazzal?

16:42:10 8 A. I heard this name. I met him once at An-Najah
16:42:16 9 University.

16:42:16 10 Q. At what? I couldn't hear.

16:42:17 11 MR. HALLER: "An-Najah University."

16:42:17 12 (Comment in Arabic by the witness.)

16:42:17 13 OFFICIAL INTERPRETER AGHAZARIAN: When he was
16:42:24 14 a student at An-Najah University.

16:42:27 15 Q. BY MR. SCHOEN: When was that?

16:42:38 16 A. I think it was between '97, '98, '99, during
16:42:42 17 that period.

16:42:43 18 Q. You met him once and never saw him again?

16:42:56 19 A. Since then, I haven't met him. He was in some
16:43:02 20 festival at An-Najah University.

16:43:07 21 Q. What makes you remember the name?

16:43:14 22 A. Normally he's a citizen. He entered prison,
16:43:18 23 and he was released from prison. And don't forget that
16:43:28 24 my relatives are living in Kalkilya.

16:43:31 25 Q. Nazzal -- Nazzal lives in Kalkilya?

16:43:40 1 A. We assume that Nazzal is from Kalkilya, not
16:43:44 2 from Jenin or -- or Kalkil -- or --

16:43:49 3 OFFICIAL INTERPRETER BEN-NAIM: "Kabatia."

16:43:49 4 THE WITNESS: -- Kabatia.

16:43:50 5 Q. BY MR. SCHOEN: And in this period 1996 to
16:43:53 6 2002, Nazzal was in Kalkilya?

16:44:11 7 A. That's what I know that, during this period,
16:44:14 8 he was between his home and the prison.

16:44:16 9 Q. And do you know Mohammad Nazzal?

16:44:30 10 A. First of all, Mohammad Nazzal is from Hamas.
16:44:33 11 He's not from the PFLP or the PLO. I met him once when
16:44:43 12 he was de -- deported from Kuwait to Jordan.

16:44:50 13 Q. Yeah. I'm thinking of Mohammad --

16:44:58 14 (Comment in Arabic by the witness.)

16:44:51 15 MR. SCHOEN: I'm ask -- I'm sorry. What did
16:44:59 16 he say? Albert?

16:45:02 17 THE WITNESS: Not now, he's not in Syria.
16:45:04 18 He's in Jordan.

16:45:06 19 Q. BY MR. SCHOEN: Yeah. I'm asking you about
16:45:09 20 a Mohammad Nazzal from Kalkilya.

16:45:13 21 Do you know such a person?

16:45:15 22 A. I don't know him at all.

16:45:17 23 Q. And as to Ra'ed Nazzal, during this period
16:45:23 24 1996 to 2002, was he P --

16:45:34 25 A. I already told you that I met Ra'ed Nazzal

16:45:40 1 one time at Nablus.

16:45:41 2 Q. Yeah. And was Ra'ed Nazzal a PFLP member?

16:45:48 3 A. Possible.

16:45:49 4 Q. Possible?

16:45:54 5 A. Possible, yes. Impossible, no.

16:45:57 6 Q. You hold a title with the PFLP?

16:46:10 7 A. I did not leave my -- my position. But
16:46:13 8 it is my work in -- from another angle.

16:46:17 9 Q. How many members are there in the PFLP
16:46:20 10 around the years 1996 to today at any given time?

16:46:42 11 A. I suggest to you to go and meet Ahmed
16:46:44 12 Sa'adat in the -- in the prison inside and ask him
16:46:50 13 this question.

16:46:52 14 Q. I'm asking you the question now, as the
16:46:54 15 assistant secretary general of the PFLP.

16:47:04 16 A. I answered you this question. I answered
16:47:08 17 you this question.

16:47:10 18 Q. You said before that there -- wherever there
16:47:14 19 is a PFLP member, there's a PFLP office.

16:47:17 20 Do you mean throughout what you're calling
16:47:29 21 the Palestinian territories or occupied territories?

16:47:49 22 A. I mean wherever there are -- wherever there
16:47:52 23 are -- wherever there are members of the PFLP, whether
16:48:03 24 it is in Chili or in Gaza or wherever there are offices
16:48:07 25 that -- that -- that pertain to the PFLP.

16:48:14 1 MR. SCHOEN: Did the witness say also "or the
16:48:16 2 West Bank," or he didn't say that?

16:48:19 3 MR. HALLER: "Jaffa."

16:48:23 4 CHECK INTERPRETER HAZOU: Yes, he did.

16:48:24 5 OFFICIAL INTERPRETER AGHAZARIAN: "And the
16:48:26 6 West Bank."

16:48:28 7 MR. ROCHON: Our check translator said: Yes,
16:48:30 8 he did.

16:48:31 9 MR. SCHOEN: Okay.

16:48:32 10 Q. BY MR. SCHOEN: Is there a PFLP office in
16:48:33 11 Tulkarem in the period 1996 to 2002?

16:48:58 12 A. Wherever there are members of the P -- of
16:49:00 13 the PFLP, there are offices. And this I have answered
16:49:04 14 more than once.

16:49:05 15 Q. Okay. During that time period, were there
16:49:07 16 members in Tulkarem?

16:49:17 17 A. In everywhere there are PFLP.

16:49:23 18 Q. And that includes Kalkilya during that time
16:49:26 19 period?

16:49:42 20 A. Kalkilya, Tulkarem, Nablus, everywhere, Chili,
16:49:44 21 Algeria, Syria. The P -- the P -- the PFLP is all over.

16:49:50 22 Q. Okay. Does the PFLP maintain any bank
16:49:53 23 accounts?

16:50:05 24 A. There are people in charge of it. I'm not
16:50:08 25 the person in charge.

16:50:09 1 Q. Do you know anything about whether the PFLP
16:50:11 2 has a bank account?

16:50:28 3 A. I don't know whether there is an account or
16:50:29 4 not. There are people in charge outside the occupied
16:50:33 5 territories who are responsible for this issue.

16:50:36 6 Q. Who are those people?

16:50:42 7 A. They are around. These people are around.

16:50:50 8 Q. What's -- what'd you say?

16:50:53 9 MR. HALLER: "People are around."

16:50:54 10 MR. SCHOEN: Aah.

16:51:01 11 THE WITNESS: I personally don't know who is
16:51:03 12 in charge here or there. But they -- they are there.

16:51:07 13 Q. BY MR. SCHOEN: And if the PFLP -- in your
16:51:12 14 position with the PFLP, have you ever needed to spend
16:51:21 15 money for the PFLP activities?

16:51:48 16 A. Within the PFLP, everyone has -- has -- is
16:51:55 17 in charge of various activities, distribution of roles.
16:51:57 18 For me, my -- it is only the personal expenses that
16:52:04 19 count. But there is somebody in charge of expenditures.

16:52:08 20 Q. The PL -- PFLP has certain expenses; correct?

16:52:20 21 A. Could be yes, could be no.

16:52:22 22 Q. You don't know whether the PFLP has any
16:52:24 23 expenses?

16:52:38 24 A. I don't know. Maybe it has to operate with
16:52:40 25 a minimum level. What is the requested level, I don't

16:52:46 1 know. With the bare minimum.

16:52:48 2 Q. If there's any money that the PFLP spends --
16:52:51 3 let me strike that question.

16:53:03 4 Does the PFLP have any income?

16:53:18 5 A. There is -- there is a party in charge of
16:53:19 6 this. And I have nothing to do with this, and I don't
16:53:22 7 know anything about this. And don't waste your time,
16:53:36 8 you and the person next to you, about such a question.
16:53:38 9 That's the bottom line.

16:53:40 10 Q. As the -- is that funny, Mr. Malouh? I see
16:53:46 11 you smiling. It's funny?

16:53:48 12 (Comment in Arabic by the witness.)

16:53:49 13 THE WITNESS: (In English.) It's funny.

16:53:52 14 (Comment in Arabic by the witness.)

16:53:52 15 Q. BY MR. SCHOEN: Mr. Malouh, you're the PFL --

16:53:54 16 A. I am very relaxed.

16:53:57 17 MR. ROCHON: Counsel. Counsel, let him
16:53:58 18 translate.

16:53:59 19 THE WITNESS: I am very relaxed.

16:54:02 20 Q. BY MR. SCHOEN: Yeah. Mr. Malouh, you are the
16:54:04 21 PFLP representative to the PLO; correct?

16:54:14 22 A. I answered this several times on and on again.

16:54:18 23 Q. Yeah. But you don't know whether the PL --
16:54:20 24 PFLP takes in money ever?

16:54:27 25 A. I answered this question several times.

16:54:31 1 Q. Is it true, Mr. Malouh, that you're the
16:54:34 2 highest-ranking person in the PFLP who's not presently
16:54:38 3 in jail, in prison?

16:55:02 4 A. Could be yes, could be no. There are members
16:55:04 5 of the political bureau who are around in Gaza here,
16:55:07 6 abroad, and everywhere.

16:55:10 7 Q. What are their names, the members of the
16:55:11 8 political bureau?

16:55:24 9 A. There are members of the PF -- PFLP
16:55:27 10 everywhere. And it is not my job to -- to tell you
16:55:31 11 who is in -- who is who in this context.

16:55:36 12 Q. Can you name anyone in the leadership of
16:55:37 13 the PFLP who is your superior?

16:55:45 14 A. Ahmed Sa'adat is in prison under your
16:55:49 15 premises.

16:55:50 16 Q. Is there anyone other than Ahmed Sa'adat who
16:55:54 17 is higher than you in the PFLP?

16:56:10 18 A. This has to do with the different arrangements
16:56:14 19 within the PFLP, inside and outside. And I'm not in
16:56:17 20 a position to -- to speak about it.

16:56:21 21 Q. Explain to me the structure of the PFLP
16:56:22 22 leadership, then, so I understand it.

16:56:33 23 A. You can go to the bylaws of the PFLP in
16:56:36 24 order to get an answer for that. And you have it
16:56:39 25 under your disposition.

16:56:40 1 Q. Where would I find the bylaws?

16:56:47 2 A. You have it since a long while.

16:56:52 3 Q. Are the by --

16:56:58 4 A. I was asked about it at 2002, 2008, and you
16:57:04 5 have it at your disposition. In Petach Tikva, in 2002,
16:57:10 6 I was questioned about these bylaws.

16:57:17 7 Q. Is there a website for the PFLP?

16:57:19 8 OFFICIAL INTERPRETER BEN-NAIM: "Internet."

16:57:19 9 THE WITNESS: There is a site in Gaza. There
16:57:33 10 is a site -- website for the PFLP.

16:57:38 11 Q. BY MR. SCHOEN: And the material that appears
16:57:41 12 on that website --

16:57:44 13 CHECK INTERPRETER HAZOU: "In Gaza or
16:57:45 14 outside."

16:57:45 15 He -- he doesn't really --

16:57:50 16 THE WITNESS: There is a site --

16:57:51 17 MR. McALEER: Did the official translator
16:57:53 18 accept the proposed translation from the check
16:57:57 19 translator?

16:57:59 20 OFFICIAL INTERPRETER AGHAZARIAN: There was
16:57:59 21 no change. We repeated the same thing.

16:58:05 22 CHECK INTERPRETER HAZOU: There was just
16:58:06 23 an addition: "Whether it could be in Gaza. It could
16:58:10 24 be abroad. I -- I do not know a lot about it."

16:58:15 25 That's what he said.

16:58:16 1 OFFICIAL INTERPRETER AGHAZARIAN: Okay.

16:58:17 2 MR. McALEER: The official translator accepts

16:58:20 3 the addition offered by the check translator. Thank --

16:58:24 4 thank you both.

16:58:28 5 Q. BY MR. SCHOEN: Do you see the screen in front

16:58:30 6 of you now?

16:58:41 7 A. I see it, but the writing is not clear.

16:58:44 8 Q. Do you know whether the bylaws appear on the

16:58:49 9 website?

16:59:11 10 A. I don't know the bylaws since I'm not capable

16:59:14 11 to read what appears there.

16:59:16 12 Q. Uh-huh. Do you know what the bylaws say?

16:59:25 13 A. I don't see.

16:59:27 14 Q. No, I mean, forget about what's up on the

16:59:30 15 screen.

16:59:32 16 Are you familiar with the bylaws of the PFLP?

16:59:46 17 A. I said -- I said several times a while ago

16:59:59 18 that you have these bylaws under your disposition. And

17:00:04 19 if you extend your hand to your right or to your left,

17:00:08 20 you will find it right there.

17:00:10 21 Q. Is there a char -- a written charter or

17:00:13 22 constitution --

17:00:20 23 A. Instead of talking to the person to your left,

17:00:23 24 just let him hand you this -- these bylaws.

17:00:27 25 Q. The person to my left is the court reporter,

17:00:29 1 and she doesn't have the bylaws.

17:00:39 2 MR. McALEER: Let the record reflect that
17:00:40 3 the witness has been seeing the figure or portions
17:00:46 4 of the figure of Mordechai Haller, who has, in fact,
17:00:49 5 been seated to the right of Mr. Schoen, which from
17:00:52 6 the witness' perspective would appear to be to the
17:00:56 7 left of the screen, and that Mr. Haller has moved
17:00:59 8 from that perch, where he has been for a good portion
17:01:04 9 of the deposition, speaking to Mr. Schoen, down to
17:01:08 10 the other end of the table where he is operating the
17:01:14 11 laptop by which he is putting the images up on the
17:01:18 12 screen.

17:01:19 13 MR. SCHOEN: Let the -- oh, go ahead.

17:01:21 14 (Last colloquy translated.)

17:02:05 15 MR. SCHOEN: Let the record reflect that
17:02:07 16 Mr. Malouh referred to Mr. Haller before as sitting
17:02:11 17 on my right when he asked me about something to do
17:02:16 18 with the person on my right.

17:02:33 19 Q. BY MR. SCHOEN: Mr. Malouh, is there a written
17:02:36 20 charter or constitution for the PFLP?

17:02:53 21 A. I have answered this question a while ago
17:02:55 22 and more than once.

17:02:58 23 Q. In addition to the bylaws, is there also
17:03:00 24 a charter that sets out the philosophy or the mission
17:03:04 25 of the PFLP?

17:03:23 1 A. Also I have already answered this question.

17:03:25 2 Q. Please answer it again.

17:03:34 3 A. I say I have answered this question
17:03:41 4 previously. There is redundancy here. Let us bring
17:03:51 5 this encounter to an end.

17:03:53 6 Q. Mr. Malouh, can you now read what's on the
17:03:56 7 screen? We tried to make the print bigger.

17:03:59 8 Can you read it?

17:04:17 9 A. I have already read the bylaws. And I am not
17:04:23 10 able to read it in such a way now.

17:04:26 11 Q. Because you can't see the print? You can't
17:04:30 12 read the print?

17:04:42 13 A. I do not see it. And, also, I do not wish
17:04:44 14 in order to see such questions and such writing.

17:04:53 15 Q. Mr. Malouh, have you ever worked in a PFLP
17:04:57 16 office?

17:05:11 17 A. What kind of question is this? Of course I
17:05:13 18 did.

17:05:15 19 Q. Okay. Where?

17:05:19 20 A. But not here. Not in offices here. I worked
17:05:24 21 in Jordan, in Lebanon, Syria, Algeria. My political
17:05:31 22 activity has been all over these places.

17:05:34 23 Q. When did you work in a PFLP office?

17:05:49 24 A. In Jordan, in Lebanon, in -- in Algeria, and
17:05:55 25 in more than one place, and Syria.

17:05:58 1 Q. I'm sorry. I said: "When?"

17:06:01 2 Since 1996, every year have you worked in
17:06:06 3 a P -- PFLP office?

17:06:24 4 A. During the period of 1996 and 2002, I --
17:06:29 5 it was very difficult for me to move. And it was not
17:06:33 6 possible to work in -- under specific circumstances.
17:06:36 7 It was not allowed -- it was not allowed for me to
17:06:45 8 leave.

17:06:46 9 Q. Did you work with the PFLP during that period?

17:07:00 10 A. I -- I represented the PFLP within the --
17:07:04 11 the PLO framework.

17:07:07 12 Q. Yeah. Did you work in any PFLP office
17:07:10 13 anyplace during that period?

17:07:22 14 A. If -- if there were offices -- if -- if
17:07:30 15 there were offices wherever I went, of course I would
17:07:33 16 visit these offices. But my work was within the PLO
17:07:39 17 framework.

17:07:46 18 Q. Have you ever worked from a PFLP office
17:07:48 19 in Ramallah?

17:08:01 20 A. I worked from the offices of the PLO in
17:08:06 21 Ramallah.

17:08:07 22 Q. Have you ever visited the PFLP office in
17:08:09 23 Ramallah?

17:08:24 24 A. If there are offices pertaining to the PFLP
17:08:26 25 in Ramallah or in Gaza or in Latin America or whatever

17:08:31 1 it is, I would visit it.

17:08:33 2 Q. Do you know how the telephone bill is paid
17:08:37 3 in a PFLP office anyplace?

17:08:58 4 A. If you speak about the telephones or this
17:09:01 5 within the PLO, I do not know how the bill will be paid.

17:09:05 6 Q. PFLP. Not PLO.

17:09:10 7 A. I don't know, whether it's the PLO or the
17:09:12 8 PFLP.

17:09:13 9 Q. Is there a budget for the PFLP?

17:09:16 10 CHECK INTERPRETER HAZOU: No, no, no, no. No,
17:09:17 11 no, no.

17:09:17 12 MR. ROCHON: Just a second.

17:09:18 13 CHECK INTERPRETER HAZOU: "I don't know how
17:09:19 14 the telephone bills are paid, whether we're talking
17:09:22 15 about the PFLP or the PLO."

17:09:24 16 MR. ROCHON: Does the check trans --

17:09:25 17 MR. McALEER: Does the official -- does the
17:09:26 18 official translator accept the translation proposed
17:09:28 19 by the check translator?

17:09:32 20 CHECK INTERPRETER HAZOU: Ask the witness.
17:09:32 21 That's what he said.

17:09:35 22 OFFICIAL INTERPRETER AGHAZARIAN: Ask the
17:09:36 23 witness?

17:09:42 24 CHECK INTERPRETER HAZOU: He said -- he said:
17:09:43 25 "I don't know how the telephone bills are paid, whether

17:09:46 1 we're talking about the PFLP or the PLO."

17:09:50 2 OFFICIAL INTERPRETER AGHAZARIAN: That's how
17:09:50 3 I translated it.

17:09:52 4 MR. SCHOEN: That's how I understood it.

17:09:53 5 MR. ROCHON: Okay.

17:09:55 6 CHECK INTERPRETER HAZOU: Okay.

17:09:56 7 Q. BY MR. SCHOEN: Mr. Malouh, is there a budget
17:09:59 8 for the PFLP?

17:10:20 9 A. You have to ask the party that pays this
17:10:23 10 budget. I myself do not know.

17:10:26 11 Q. So, again, as the assistant secretary general
17:10:29 12 of the PFLP, you don't know whether the PFLP has a
17:10:46 13 budget of any kind?

17:11:24 14 A. You can address yourself to every party and
17:11:28 15 the relevant parties outside about the way that the --
17:11:32 16 the -- the budget is earmarked. I myself do not know.

17:11:38 17 Q. I simply asked if there is a budget?

17:11:51 18 A. You can ask yourself.

17:11:52 19 Q. Who should I ask, Mr. Malouh? Who would know?

17:11:57 20 A. I am not in charge, and I do not know.

17:12:00 21 Q. You're not in charge?

17:12:07 22 A. From the beginning, I made it clear that my
17:12:10 23 work is political.

17:12:12 24 Q. You're a leader of the P --

17:12:21 25 A. And I am not responsible for the financial

17:12:24 1 aspects, not in the PLO, not in the PFLP, or elsewhere.

17:12:29 2 Q. Do you get any income from any source,
17:12:31 3 Mr. Malouh?

17:12:40 4 A. I have answered this question. Since the
17:12:44 5 morning, I am responding to your questions.

17:12:49 6 Q. Actually, I limited my questions then as
17:12:51 7 to whether you were paid a salary as a member of the
17:12:55 8 PLO Executive Committee.

17:12:57 9 I'm asking --

17:13:14 10 A. What --

17:13:18 11 MR. ROCHON: Counsel, you were in the middle
17:13:19 12 of the question before Mr. Haller started talking to
17:13:22 13 you.

17:13:23 14 OFFICIAL INTERPRETER BEN-NAIM: Could you
17:13:23 15 restart the question?

17:13:26 16 MR. SCHOEN: I thought I asked a question.

17:13:26 17 OFFICIAL INTERPRETER BEN-NAIM: You didn't.

17:13:26 18 MR. SCHOEN: Oh, yeah. He interrupted me.
17:13:27 19 Yeah.

17:13:27 20 OFFICIAL INTERPRETER BEN-NAIM: Whatever.
17:13:28 21 Just --

17:13:28 22 MR. SCHOEN: Okay.

17:13:28 23 OFFICIAL INTERPRETER BEN-NAIM: -- start it
17:13:29 24 all over.

17:13:29 25 MR. SCHOEN: Yeah.

17:13:30 1 Q. BY MR. SCHOEN: I asked you before,
17:13:31 2 Mr. Malouh, if you had any income as a mem -- as
17:13:41 3 a member of the PLO Executive Committee.

17:13:47 4 I'm asking you now whether you have any income
17:13:54 5 from any source -- whether you have any income from any
17:13:57 6 source in any capacity?

17:14:14 7 A. From the outset, I will tell you that I'm not
17:14:17 8 in a position to answer such kinds of questions.

17:14:20 9 Q. You're in a position to answer it.

17:14:22 10 Do you refuse to answer it?

17:14:33 11 A. I did not say that I resent responding to
17:14:36 12 your questions. I said I cannot. And this makes the
17:14:41 13 whole difference.

17:14:42 14 Q. You cannot answer my question as to whether
17:14:44 15 you have any income from any source?

17:14:58 16 A. I cannot. And this is a very highly personal
17:15:01 17 question, which I cannot present in such a form.

17:15:05 18 Q. Why? Why can't you answer it?

17:15:12 19 A. Because I can -- I simply cannot respond.

17:15:17 20 Q. You understand the question is whether you
17:15:19 21 make any money, whether anyone gives you or pays you
17:15:23 22 any money in any form anytime?

17:15:45 23 A. You or anybody in this room and in that room
17:15:50 24 have the right to ask the question who gives and who
17:15:53 25 does not give support.

17:15:55 1 Q. (Not translated.) Yeah. I'm asking you
17:16:00 2 whether you get any income, receive?

17:16:05 3 A. Don't ask me such questions. Because, in the
17:16:14 4 first place, the basis of this question is wrong.

17:16:18 5 Q. Mr. Malouh, do you have any income from any
17:16:20 6 source?

17:16:30 7 A. I would not respond to you to such kinds of
17:16:33 8 questions.

17:16:34 9 Q. Mr. Malouh, do you have any bank account?

17:16:40 10 A. I will not respond to such kinds of questions.

17:16:56 11 Q. You mentioned before, Mr. Malouh, that your
17:16:59 12 wife gets some income; correct?

17:17:15 13 A. I don't know about that. But I know that my
17:17:19 14 wife works with the social affairs, full stop.

17:17:25 15 Q. But you don't know if your wife gets any
17:17:29 16 income from the PLO?

17:17:32 17 A. You have no relation -- you have no relation
17:17:36 18 for you to know what my wife takes from the PLO or any
17:17:39 19 other source. And this is not a way for interrogation.

17:17:49 20 Bye-bye, if that's the kind of questions.

17:17:52 21 Q. You're leaving, Mr. Malouh?

17:17:55 22 MR. ROCHON: Counsel -- Counsel, can we take
17:17:57 23 a short break so Mr. Malouh and his counsel can consult?

17:18:01 24 MR. SCHOEN: Is Mr. Malouh leaving or not?
17:18:03 25 He just got up in the middle of my question.

17:18:05 1 MR. HASSAN: Ten minutes. Ten minutes, and
17:18:08 2 we will come back.

17:18:11 3 MR. SCHOEN: I want an answer as to whether
17:18:14 4 Mr. Malouh is leaving.

17:18:15 5 MR. ROCHON: His counsel -- Counsel, his
17:18:17 6 counsel just said: Ten minutes and we'll be back.
17:18:21 7 Since there's no one with counsel other than his client,
17:18:25 8 I presume that means "we" is the two of them. So let's
17:18:28 9 take a ten-minute break.

17:18:30 10 MR. SCHOEN: Going off the record.

17:18:33 11 MR. ROCHON: Thank you.

17:28:25 12 (Recess from 5:18 p.m. to 5:28 p.m.)

17:28:29 13 MR. SCHOEN: On the record.

17:28:42 14 Q. BY MR. SCHOEN: Mr. Malouh, during the break,
17:28:43 15 did you look at any documents?

17:28:54 16 A. What kind of documents?

17:28:56 17 Q. Any documents.

17:29:07 18 A. I have seen a lot of what's going in the
17:29:10 19 landscape in -- in Israel and lots of documents. And
17:29:13 20 I have seen lots of documents.

17:29:16 21 Q. Tell me what documents you've seen during the
17:29:19 22 course of this deposition.

17:29:30 23 MR. ROCHON: I think there's some confusion
17:29:32 24 between your questions.

17:29:39 25 CHECK INTERPRETER HAZOU: You said "during

17:29:41 1 this session" or "during the break"?

17:29:43 2 MR. SCHOEN: I originally asked him during
17:29:44 3 the break. But if he wants to give a smart alec answer,
17:29:45 4 then I'd like to know during the whole deposition what
17:29:51 5 documents he's consulted.

17:29:53 6 THE WITNESS: During the break, I did not look
17:30:07 7 into any document.

17:30:09 8 Q. BY MR. SCHOEN: Mr. Malouh, do you know
17:30:11 9 whether any PFLP member gets paid any money by the PFLP?

17:30:39 10 A. This implies that I should know all members
17:30:42 11 of the PFLP and the source of the funding. And this
17:30:45 12 is something I don't know.

17:30:45 13 Q. (Not translated.) I'm not asking you about
17:30:50 14 all of them. I'm asking you whether you know one or
17:30:54 15 any other number of PFLP members who gets any income --

17:30:57 16 (Comment in Arabic by the witness.)

17:30:57 17 Q. BY MR. SCHOEN: Let me finish my question,
17:30:59 18 please.

17:31:07 19 A. Maybe somebody will be getting funds from here
17:31:11 20 or from there. But I do not know.

17:31:14 21 Q. (Not translated.) What do you know -- as the
17:31:16 22 assistant general direct -- assistant secretary general
17:31:20 23 of the PFLP, what is it that you do know about the PFLP
17:31:25 24 operations, if anything?

17:31:29 25 (Comment in Arabic by the witness.)

17:31:29 1 MR. SCHOEN: Sorry. "If anything?"

17:31:31 2 Translate.

17:31:32 3 THE WITNESS: General direction, of course.

17:31:39 4 (Pending question translated.)

17:31:34 5 THE WITNESS: Only in the general orientation.

17:31:46 6 Q. BY MR. SCHOEN: You don't know any specific

17:31:47 7 activities of the PFLP?

17:31:58 8 A. I don't know.

17:31:59 9 Q. How did you become assistant secretary general

17:32:01 10 of the PFLP?

17:32:10 11 A. I am very popular.

17:32:12 12 Q. (Not translated.) When they -- do you know

17:32:14 13 whether the other members of the PFLP know that you

17:32:18 14 don't know anything about any specific operations or

17:32:21 15 activities of the PFLP?

17:32:24 16 MR. SCHOEN: Did you get that?

17:32:25 17 OFFICIAL INTERPRETER BEN-NAIM: No.

17:32:26 18 Q. BY MR. SCHOEN: Do you know whether the other

17:32:28 19 members of the PFLP are aware that their assistant

17:32:38 20 secretary general doesn't know anything about specific

17:32:42 21 operations of the PFLP?

17:33:03 22 A. I am telling you that I do not know. And

17:33:06 23 you may, on your own, conclude. And --

17:33:14 24 CHECK INTERPRETER HAZOU: "I'm satisfied."

17:33:16 25 THE WITNESS: And I'm satisfied with this

17:33:18 1 state of affairs.

17:33:21 2 Q. BY MR. SCHOEN: There's a lot of noise in the
17:33:23 3 background.

17:33:24 4 Any idea what it is?

17:33:26 5 MR. ROCHON: Yeah. It's -- it's some people
17:33:28 6 breaking down a conference. And I think it will stop
17:33:31 7 in a moment.

17:33:32 8 MR. SCHOEN: Okay.

17:33:34 9 Q. BY MR. SCHOEN: Mr. Malouh, does the PFLP have
17:33:38 10 a women's organization?

17:33:47 11 A. You may ask the Popular Front.

17:33:51 12 Q. I am.

17:34:02 13 A. In light of your comments, I must be in a
17:34:06 14 position to know [sic].

17:34:08 15 Q. Yes.

17:34:09 16 OFFICIAL INTERPRETER AGHAZARIAN: "Not to
17:34:10 17 know."

17:34:11 18 MR. SCHOEN: Aah.

17:34:11 19 Q. BY MR. SCHOEN: I'm asking you: As the
17:34:13 20 assistant secretary general leader, assistant leader
17:34:16 21 of the PFLP, is there a women's organization of the
17:34:26 22 PFLP?

17:34:29 23 A. I don't know.

17:34:30 24 Q. Aah. Do you know if there is an agricultural
17:34:34 25 workers organization?

17:34:42 1 A. I don't know.

17:34:42 2 Q. Do you know if there's a medical organization
17:34:45 3 within the PFLP?

17:34:48 4 A. I don't know.

17:34:48 5 MR. ROCHON: Counsel, could we take one
17:34:57 6 second? I'll ask those people to stop banging outside.

17:35:03 7 MR. SCHOEN: Sure.

17:35:06 8 MR. ROCHON: Don't ask a question while I'm
17:35:09 9 gone.

17:35:10 10 (Brief pause in the proceedings.)

17:35:17 11 MR. ROCHON: Okay. Go ahead. We'll do the
17:35:17 12 best we can. They're actually assembling something out
17:35:21 13 there. I've asked them to be quiet. But there's no
17:35:23 14 manager onsite. So if it happens again, I'll have to
17:35:27 15 go find a manager.

17:35:28 16 Q. BY MR. SCHOEN: (Not translated.) Do you know
17:35:28 17 the organization called Union of Agricultural Workers
17:35:34 18 Committee?

17:35:35 19 A. I don't know.

17:35:36 20 Q. The question wasn't translated.

17:35:45 21 A. I say I don't know.

17:35:47 22 Q. To every question?

17:35:55 23 A. The questions that you have asked at the end.

17:35:57 24 Q. (Not translated.) Uh-huh. Okay. Do you know
17:35:59 25 someone named Bashira Al-Khayr? Khayr?

17:36:05 1 A. I don't know.

17:36:06 2 Q. The question wasn't translated.

17:36:12 3 (Pending question translated.)

17:36:14 4 Q. BY MR. SCHOEN: You're answering the questions

17:36:15 5 before they're translated.

17:36:18 6 Do you understand the English?

17:36:28 7 A. Since the morning, I have become familiar with

17:36:31 8 your questions.

17:36:32 9 Q. (Not translated.) I see. Mr. Malouh, what

17:36:39 10 would you say -- in your opinion, as the assistant

17:36:42 11 secretary general of the PFLP, what's the most important

17:36:46 12 or successful PFLP operation that you're familiar with?

17:36:49 13 (Comment in Arabic by the witness.)

17:36:58 14 CHECK INTERPRETER HAZOU: Translate.

17:37:00 15 OFFICIAL INTERPRETER BEN-NAIM: I'm not sure.

17:37:00 16 Is the answer -- I don't know when to answer.

17:37:02 17 Q. BY MR. SCHOEN: One second. What did Malouh

17:37:03 18 say already? He already spoke.

17:37:08 19 (Pending question translated.)

17:37:19 20 THE WITNESS: The PLO.

17:37:19 21 Q. BY MR. SCHOEN: That's the most important PFLP

17:37:23 22 operation?

17:37:30 23 A. It's the most important political operation.

17:37:34 24 Q. It's the most important -- also the most

17:37:36 25 important PFLP ally?

17:37:45 1 MR. ROCHON: Objection. Objection.
17:37:48 2 "Ally" is confusing. Could you rephrase your
17:37:54 3 question, Counsel?

17:37:54 4 MR. SCHOEN: No. I haven't heard the witness
17:37:56 5 say it was confusing. I asked the question I asked.

17:38:02 6 MR. ROCHON: Yeah, I know. But -- but
17:38:05 7 I object. It's not -- I object on behalf of myself
17:38:11 8 and my client. It's not on behalf of the witness that
17:38:12 9 I was objecting to the use of the word. If you don't
17:38:13 10 want to rephrase it -- I just think the answer won't
17:38:17 11 have much meaning with that confusing word. You can
17:38:17 12 leave it in there if you want.

17:38:19 13 MR. SCHOEN: Yeah. And, again, it's not
17:38:20 14 appropriate to make these speaking objections like that.
17:38:22 15 You want to object to form, you want to object to
17:38:25 16 something specific, object to it. You don't need to
17:38:27 17 tell me that something is confusing to the witness.

17:38:33 18 MR. ROCHON: I'll -- I'm not -- I'll ignore
17:38:35 19 your speech.

17:38:35 20 The witness can answer the question.

17:38:40 21 THE WITNESS: I want you to clarify your
17:38:42 22 question.

17:38:45 23 Q. BY MR. SCHOEN: Is the PLO the most important
17:38:47 24 ally, friend, supporter of the PFLP?

17:39:08 25 A. We are part of the PLO, and that's how we

17:39:11 1 look at it.

17:39:12 2 Q. Okay. What body, if any, within the PFLP
17:39:17 3 appointed you to be assistant secretary general?

17:39:44 4 A. Read the internal bylaws. You would -- you
17:39:46 5 would know what is the body that has elected me.

17:39:49 6 Q. I'm asking you the question.

17:39:58 7 A. Don't ask me this question, because the answer
17:40:00 8 you have at your disposition.

17:40:02 9 Q. Mr. Malouh, I'm entitled to ask you questions.
17:40:04 10 I don't -- I'm not required just to read things. I'm
17:40:06 11 asking you the question. So I'll ask you again.

17:40:28 12 A. You have been exposing on the screen the
17:40:32 13 internal bylaws, which means that you have read it
17:40:35 14 before even exposing it to me, that you are familiar
17:40:40 15 with the contents of the internal bylaws. So this
17:40:46 16 is why, once again, I tell you: Go to the internal
17:40:51 17 bylaws, and you will -- you will get the answer.

17:40:54 18 Q. Does the PFLP always follow its bylaws?

17:41:08 19 A. It depends. This depends.

17:41:11 20 Q. Then I'm sure you would agree with me,
17:41:13 21 Mr. Malouh, that just looking at the bylaws wouldn't
17:41:17 22 necessarily answer my question about you.

17:41:17 23 So, in this case, I'm asking you -- I'm
17:41:21 24 sure you would agree with me, Mr. Malouh, that I
17:41:29 25 can't rely just on the bylaws to answer my questions.

17:41:39 1 So I'm asking you again: In your situation --

17:41:49 2 A. But the organization and issues depend on the
17:41:53 3 internal bylaws.

17:41:54 4 Q. Yeah. Mr. Malouh, were you elected by the
17:41:57 5 Central Committee to be assistant secretary general of
17:42:00 6 the PFLP?

17:42:19 7 A. The -- the bylaws say that there will be the
17:42:22 8 election of the general secretary, the deputy secretary,
17:42:25 9 as well as the Central Committee.

17:42:29 10 Q. And you're the deputy secretary?

17:42:35 11 A. That's what they say.

17:42:36 12 Q. The number two man in charge?

17:42:43 13 A. That's how they say.

17:42:45 14 Q. Who's "they"?

17:42:53 15 A. Those who have read the internal bylaws,
17:42:55 16 including yourself.

17:42:56 17 Q. Mr. Malouh, do you know a person named Taysir
17:43:00 18 Qubba'a?

17:43:17 19 A. He is a refugee outside this country. And
17:43:22 20 he's the deputy -- the deputy of the PNC.

17:43:27 21 Q. The deputy president of the -- sorry.

17:43:29 22 Deputy --

17:43:34 23 A. He's deputy in Kalkilya, in his own town.

17:43:39 24 MR. SCHOEN: What's the town?

17:43:40 25 OFFICIAL INTERPRETER AGHAZARIAN: Kalkilya.

17:43:40 1 MR. SCHOEN: Aah.

17:43:43 2 CHECK INTERPRETER HAZOU: Kalkilya.

17:43:43 3 Q. BY MR. SCHOEN: And is this man a PFLP member?

17:43:57 4 A. Now he's the deputy chair of the PNC.

17:43:59 5 Q. Is he also a member of the PFLP?

17:44:07 6 A. You could have directed this question to him.

17:44:10 7 Q. And I'm directing it to you.

17:44:22 8 A. I say he is the deputy head of the PNC and

17:44:28 9 he's residing in Amman.

17:44:30 10 Q. How long has he been the deputy president of

17:44:33 11 the PNC?

17:44:50 12 A. He's the deputy of the head of the PNC. And

17:44:58 13 he was elected by the PNC as deputy chair.

17:45:02 14 Q. When?

17:45:07 15 A. Since the last century.

17:45:18 16 Q. Be fair to say that that would include the

17:45:20 17 period since at least 1999 until now?

17:45:41 18 A. It could be even before that date because the

17:45:46 19 PNC has not convened since '99.

17:45:50 20 Q. Mr. Malouh --

17:45:52 21 A. (In English.) Not since '99.

17:45:54 22 OFFICIAL INTERPRETER AGHAZARIAN: "Before

17:45:54 23 '99."

17:45:56 24 THE WITNESS: (In English.) 2009, we met

17:46:02 25 the --

17:46:02 1 (Comment in Arabic by someone in Ramallah.)

17:46:09 2 THE WITNESS: We -- we had a special session

17:46:17 3 convened for the PNC in 2009 in order to fill up the

17:46:23 4 vacant positions.

17:46:24 5 MR. SCHOEN: Let the record -- let the record

17:46:27 6 reflect that the witness began to answer this question

17:46:27 7 in English until someone said something to him on their

17:46:33 8 end.

17:46:33 9 (Comment in Arabic by Mr. Hassan.)

17:46:33 10 MR. SCHOEN: What'd he say?

17:46:33 11 MR. HASSAN: He did not say something. He

17:46:56 12 spoke in Arabic.

17:46:59 13 MR. ROCHON: Let the record also reflect that

17:47:00 14 his English was broken and, because he was struggling

17:47:03 15 for his words, not me, but people in the room suggested

17:47:07 16 he try to answer in Arabic.

17:47:30 17 MR. McALEER: Let the record also reflect,

17:47:31 18 since we're letting the record reflect things, we're

17:47:34 19 now -- we're now at six hours on the record.

17:48:06 20 Q. BY MR. SCHOEN: I want to clear up the time

17:48:09 21 frame on Kaba [sic] because I'm afraid we got mixed up.

17:48:17 22 OFFICIAL INTERPRETER AGHAZARIAN: "Qubba'a."

17:48:27 23 MR. SCHOEN: "Qubba'a."

17:48:27 24 Q. BY MR. SCHOEN: Put aside for a second 2009.

17:48:28 25 I'm focusing on the period -- let's just say 1999 to

17:48:38 1 2006.

17:48:46 2 At that time, was this man Qubba'a the deputy
17:48:55 3 president of the PNC?

17:49:19 4 A. To start with, at 2:30, the convenor, he
17:49:21 5 said -- he said we should be finished within a couple
17:49:27 6 of hours. Now it is quarter to 6:00.

17:49:29 7 But I said Qubba'a -- why -- why is the focus
17:49:50 8 on the -- the period of 1999 'til 2006? And we keep
17:49:57 9 repeating this all the time.

17:50:00 10 Q. I want to just give you a time frame.

17:50:03 11 If you can tell me when this man Qubba'a
17:50:05 12 became deputy president of the PNC, I don't have to
17:50:11 13 name a time frame. Your answer, as it was translated,
17:50:29 14 was "from the last century," as I understood it.

17:50:39 15 I didn't think you were serious with that
17:50:41 16 answer. I didn't think you were serious with that
17:50:44 17 answer. But if you were, then we'll stick with it.

17:51:03 18 A. To start with --

17:51:10 19 Q. Go ahead.

17:51:11 20 A. At first, you know, I'm not here an
17:51:14 21 alternative to Taysir Qubba'a, since when and how
17:51:19 22 and so on and what have you.

17:51:21 23 Q. I'm only asking you what you know.

17:51:28 24 A. I don't know the dates exactly.

17:51:30 25 Q. Can you give me an estimate what year --

17:51:33 1 within five years?

17:51:40 2 A. The last century.

17:51:41 3 Q. Okay. Can you name for me, Mr. Malouh --
17:51:45 4 please name for me ten members of the PFLP.

17:52:04 5 A. I won't name anybody. I don't know.

17:52:07 6 Q. You don't know the name of any member of the
17:52:10 7 PFLP?

17:52:30 8 A. Whether I know -- I -- I wouldn't know whether
17:52:35 9 he's a member of the PNC or -- PNC or not. This is a
17:52:39 10 different matter.

17:52:40 11 Q. I'm asking you to name for me any members
17:52:43 12 of the PFLP.

17:52:50 13 A. Did I come here to -- to witness on them?

17:52:52 14 Q. Yes.

17:52:56 15 A. No. No one has informed me that I'm coming
17:53:05 16 here in order to make witness on this or on that.
17:53:09 17 Otherwise goodbye. This is like the job to be done
17:53:13 18 by interrogation with the Shabak.

17:53:16 19 Q. You're here to answer my questions on whatever
17:53:19 20 subject I ask you, subject to your lawyer's objection
17:53:23 21 and/or instruction not to --

17:53:42 22 A. Since the morning, I have responded positively
17:53:46 23 to all logical questions. But you are trying to --
17:53:49 24 to drag issues to the wrong direction. And -- and --
17:53:53 25 and -- and these are the questions that I see are not

17:53:58 1 fit.

17:53:58 2 Let me tell you a joke. I have not sat so
17:54:10 3 long during the interrogation of the Shabak. I never
17:54:13 4 had so much grilling.

17:54:16 5 Q. Mr. Malouh, can you name for me five members
17:54:20 6 of the PFLP?

17:54:25 7 A. I won't mention -- I won't mention any name.
17:54:28 8 Even if I know, I will not come up with any names.

17:54:33 9 MR. SCHOEN: I have no further questions.

17:54:39 10 MR. ROCHON: Thank you. We can go off the
17:54:41 11 record. We're done. No questions.

17:54:43 12 MR. SCHOEN: Okay.

13 (The deposition concluded at 5:55 p.m.)
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1 CERTIFICATE OF WITNESS/DEPONENT

2
3 I, ABDEL RAHIM MALOUH, witness herein, do
4 hereby certify and declare the within and foregoing
5 transcription to be my examination under oath in said
6 action taken on September 5, 2012, with the exception
7 of the changes listed on the errata sheet, if any;

8 That I have read, corrected, and do hereby
9 affix my signature under penalty of perjury to said
10 examination under oath.

11
12
13
14
15 _____
16 ABDEL RAHIM MALOUH, Witness

_____ Date

CERTIFICATE OF REPORTER

I, BRENDA MATZOV, CA CSR No. 9243, do hereby
certify:

That, prior to being examined, the witness
named in the foregoing deposition was duly affirmed by
me to testify the truth, the whole truth, and nothing
but the truth;

That the foregoing deposition was taken before
me at the time and place herein set forth, at which time
the aforesaid proceedings were stenographically recorded
by me and thereafter transcribed by me;

That the foregoing transcript, as typed, is a
true record of the said proceedings;

And I further certify that I am not interested
in the action.

Dated this 15th day of October, 2012.

BRENDA MATZOV, CA CSR No. 9243

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ERRATA SHEET

*** SHABTAI SCOTT SHATSKY, et al., v.

THE SYRIAN ARAB REPUBLIC, et al. ***

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ABDEL RAHIM MALOUH, Witness

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